

# SENATE BILL 1210

E4, E2, L6

8lr0936

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By: **Senators Waugh, Bates, Cassilly, Eckardt, Edwards, Hershey, Hough, Jennings, Norman, Ready, Reilly, Salling, Serafini, and Simonaire**  
Introduced and read first time: February 26, 2018  
Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Extradition – Duty of Local Governments**  
3 **(Sanctuary for Citizens Act)**

4 FOR the purpose of establishing that it is the duty of the governing body of every county  
5 and municipal corporation in the State to have arrested and delivered up to the  
6 executive authority of any federal agency any person for whom there is a valid  
7 judicial, civil, or criminal federal warrant and who is found in this State; requiring  
8 counties and qualifying municipalities to comply with certain provisions of law in  
9 order to receive certain aid from the State; and generally relating to extradition.

10 BY repealing and reenacting, without amendments,  
11 Article – Criminal Procedure  
12 Section 9–102  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2017 Supplement)

15 BY adding to  
16 Article – Criminal Procedure  
17 Section 9–102.1  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Public Safety  
22 Section 4–509  
23 Annotated Code of Maryland  
24 (2011 Replacement Volume and 2017 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
26 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Criminal Procedure**

1  
2 9–102.

3 Subject to the provisions of this title, the provisions of the Constitution of the United  
4 States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the  
5 duty of the Governor of this State to have arrested and delivered up to the executive  
6 authority of any other state any person charged in that state with treason, felony, or other  
7 crime, who has fled from justice and is found in this State.

8 **9–102.1.**

9 **SUBJECT TO THE PROVISIONS OF THIS TITLE, THE CONTROLLING PROVISIONS**  
10 **OF THE CONSTITUTION OF THE UNITED STATES, AND ANY ACT OF CONGRESS**  
11 **ENACTED IN ACCORDANCE WITH THE CONSTITUTION OF THE UNITED STATES, IT IS**  
12 **THE DUTY OF THE GOVERNING BODY OF EVERY COUNTY AND MUNICIPAL**  
13 **CORPORATION IN THIS STATE TO HAVE ARRESTED AND DELIVERED UP TO THE**  
14 **EXECUTIVE AUTHORITY OF ANY FEDERAL AGENCY ANY PERSON FOR WHOM THERE**  
15 **IS A VALID JUDICIAL, CIVIL, OR CRIMINAL FEDERAL WARRANT AND WHO IS FOUND**  
16 **IN THIS STATE.**

**Article – Public Safety**

17  
18 4–509.

19 (a) If the Executive Director finds that a county is not complying with § 4–502 of  
20 this subtitle **OR THAT A COUNTY OR QUALIFYING MUNICIPALITY IS NOT COMPLYING**  
21 **WITH THE PROVISIONS OF § 9–102.1 OF THE CRIMINAL PROCEDURE ARTICLE**, the  
22 Executive Director shall notify the county or qualifying municipality of the noncompliance.

23 (b) If a county or qualifying municipality disputes the finding in the notice issued  
24 under subsection (a) of this section within 30 days of the issuance of the notice, the dispute  
25 shall be promptly referred to the Secretary of Budget and Management, who shall make a  
26 final determination.

27 (c) On receipt of certification of noncompliance by the Executive Director or the  
28 Secretary of Budget and Management, the Comptroller shall suspend, until notification of  
29 compliance is received, payment of any funds due the county or qualifying municipality for  
30 the current fiscal year, under § 4–506 of this subtitle, to the extent that the State’s aid due  
31 the county or qualifying municipality in the current fiscal year under § 4–506 of this  
32 subtitle exceeds the amount that the county or qualifying municipality received in the prior  
33 fiscal year.

34 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect  
35 October 1, 2018.