

SB0144/478078/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 144
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “family member” and substitute “parent, guardian, or next friend”; in line 8, after “victim” insert “or the victim’s parent, guardian, or next friend”; and in line 14, strike “the immigration status of a victim or person requesting the certification” and substitute “information relating to a victim who is seeking or has obtained U Nonimmigrant Status”.

AMENDMENT NO. 2

On page 1, in line 15, after “circumstances;” insert “providing that a certifying entity or certifying official is immune from civil or criminal liability for a certain action or failure to act, except under certain circumstances; prohibiting a certain award of attorney’s fees or costs in a certain action seeking enforcement of this Act, except under certain circumstances;”; and after line 16, insert:

“BY adding to

Article - Courts and Judicial Proceedings

Section 5-643

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 3

On page 3, in line 2, strike “§ 101(A)(15)(U)(III)” and substitute “**§ 1101(A)(15)(U)(III)**”.

AMENDMENT NO. 4

On page 1, after line 24, insert:

(Over)

“Article – Courts and Judicial Proceedings

5-643.

EXCEPT IN CASES OF WILLFUL OR WANTON MISCONDUCT, A CERTIFYING ENTITY OR CERTIFYING OFFICIAL WHO ACTS OR FAILS TO ACT IN GOOD FAITH IN COMPLIANCE WITH § 11-931 OF THE CRIMINAL PROCEDURE ARTICLE SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY THAT MIGHT OTHERWISE OCCUR AS A RESULT OF THE ACT OR FAILURE TO ACT.”.

On page 4, after line 19, insert:

“(H) (1) EXCEPT IN CASES OF WILLFUL OR WANTON MISCONDUCT, A CERTIFYING ENTITY OR CERTIFYING OFFICIAL WHO ACTS OR FAILS TO ACT IN GOOD FAITH IN COMPLIANCE WITH THIS SECTION HAS THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-643 OF THE COURTS ARTICLE.

(2) A PERSON WHO BRINGS AN ACTION TO SEEK ENFORCEMENT OF THIS SECTION MAY NOT BE AWARDED ATTORNEY’S FEES OR COSTS UNLESS THE ACTION DEMONSTRATES WILLFUL OR WANTON MISCONDUCT BY A CERTIFYING ENTITY OR CERTIFYING OFFICIAL.”.

AMENDMENT NO. 5

On page 2, strike beginning with “ISSUE” in line 21 down through “CERTIFICATIONS” in line 22 and substitute “PROVIDE U NONIMMIGRANT STATUS CERTIFICATIONS”; and in line 24, strike “214.14(A)(2)” and substitute “214.14(A)(3)(I)”.

AMENDMENT NO. 6

**SB0144/478078/1 Judicial Proceedings Committee
Amendments to SB 144
Page 3 of 4**

On page 3, in line 1, strike “**QUALIFYING**”; strike beginning with “**FEDERAL**” in line 2 down through “**ACT**” in line 3 and substitute “**UNITED STATES CODE**”; in line 7, strike “**FAMILY MEMBER**” and substitute “**PARENT, GUARDIAN, OR NEXT FRIEND**”; in line 10, after “**ACTIVITY**” insert “**AND HAS BEEN HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY**”; in the same line, strike “**AND**”; strike in their entirety lines 11 through 13, inclusive, and substitute:

“(2) WAS UNDER THE AGE OF 16 YEARS ON THE DATE THAT AN ACT THAT CONSTITUTES AN ELEMENT OF QUALIFYING CRIMINAL ACTIVITY FIRST OCCURRED AND THE VICTIM’S PARENT, GUARDIAN, OR NEXT FRIEND HAS BEEN HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY; OR

(3) IS INCAPACITATED OR INCOMPETENT AND THE VICTIM’S PARENT, GUARDIAN, OR NEXT FRIEND HAS BEEN HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY.”;

and in lines 15, 17, and 19, in each instance, after “**VICTIM**” insert “**OR THE VICTIM’S PARENT, GUARDIAN, OR NEXT FRIEND**”.

AMENDMENT NO. 7

On page 4, in line 2, after “**REMOVAL**” insert “**, EXCLUSION, OR DEPORTATION**”; in line 3, after “**PROCEEDINGS**” insert “**OR SUBJECT TO A FINAL ORDER OF REMOVAL, EXCLUSION, OR DEPORTATION**”; in lines 7 and 8, strike “**FAMILY MEMBER**” and substitute “**PARENT, GUARDIAN, OR NEXT FRIEND**”; strike beginning with “**IF**” in line 11 down through “**REQUESTED**” in line 12 and substitute “**ON REFUSAL TO PROVIDE INFORMATION AND ASSISTANCE WHEN REASONABLY REQUESTED OF:**

(Over)

(1) THE VICTIM; OR

(2) THE VICTIM’S PARENT, GUARDIAN, OR NEXT FRIEND IF THE VICTIM WAS UNDER THE AGE OF 16 YEARS ON THE DATE THAT AN ACT THAT CONSTITUTES AN ELEMENT OF QUALIFYING CRIMINAL ACTIVITY FIRST OCCURRED OR IF THE VICTIM IS INCAPACITATED OR INCOMPETENT;

strike beginning with “THE” in line 13 down through “ONLY” in line 15 and substitute “INFORMATION RELATING TO A VICTIM WHO IS SEEKING OR HAS OBTAINED U NONIMMIGRANT STATUS ONLY”; in line 16, strike “OR LEGAL PROCESS” and substitute “, COURT ORDER, OR A DISCOVERY OBLIGATION IN THE PROSECUTION OF A CRIMINAL OFFENSE”; and strike in their entirety lines 18 and 19 and substitute:

“(2) AFTER ADULT PETITIONERS FOR U NONIMMIGRANT STATUS OR ADULT U NONIMMIGRANT STATUS HOLDERS HAVE PROVIDED WRITTEN CONSENT FOR THE DISCLOSURE OF SUCH INFORMATION.”