A BILL ENTITLED

AN ACT concerning

Criminal Procedure – Government Agents – Requests for and Use of Immigration Status Information

FOR the purpose of prohibiting, except under certain circumstances, a government agent from requesting information about the immigration or citizenship status of a person or a person’s family members or acquaintances; prohibiting a government agent from coercing information or action from a person by using certain information related to immigration; authorizing a certain person to use a certain legal remedy and recover certain fees and costs under certain circumstances; defining the term “government agent”; and generally relating to requests for and the use of immigration status information by government agents.

BY adding to

Article – Criminal Procedure
Section 1–211
Annotated Code of Maryland
(2018 Replacement Volume)

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

Article – Criminal Procedure

1–211.

(A) (1) IN THIS SECTION, “GOVERNMENT AGENT” MEANS AN AGENT OR EMPLOYEE OF THE STATE, A COUNTY, OR A MUNICIPALITY.

(2) “GOVERNMENT AGENT” INCLUDES:
(I) AN AGENT OR EMPLOYEE OF A PUBLIC PRIMARY SCHOOL, A
PUBLIC SECONDARY SCHOOL, OR A PUBLIC INSTITUTION OF HIGHER EDUCATION,
INCLUDING AN AGENT OR EMPLOYEE OF A POLICE OR SECURITY DEPARTMENT OF
THE FACILITY;

(II) A LAW ENFORCEMENT OFFICER, AS DEFINED IN §
3–101 OF THE PUBLIC SAFETY ARTICLE;

(III) AN AGENT OR EMPLOYEE OF A STATE OR LOCAL LAW
ENFORCEMENT AGENCY;

(IV) AN AGENT OR EMPLOYEE OF A COURT;

(V) AN AGENT OR EMPLOYEE OF A STATE CORRECTIONAL
FACILITY OR LOCAL CORRECTIONAL FACILITY, AS DEFINED IN § 1–101 OF THE
CORRECTIONAL SERVICES ARTICLE;

(VI) AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF
JUVENILE SERVICES;

(VII) AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF HUMAN
SERVICES;

(VIII) AN AGENT OR EMPLOYEE OF A PROSECUTOR, AS DEFINED IN
§ 9–123 OF THE COURTS ARTICLE; AND

(IX) AN AGENT OR EMPLOYEE OF A HOSPITAL.

(B) UNLESS REQUIRED BY LAW, A GOVERNMENT AGENT MAY NOT REQUEST
INFORMATION ABOUT THE IMMIGRATION OR CITIZENSHIP STATUS OF:

(1) A PERSON; OR

(2) A PERSON’S FAMILY MEMBERS OR ACQUAINTANCES.

(C) A GOVERNMENT AGENT MAY NOT COERCe INFORMATION OR ACTION
FROM A PERSON BY USING:

(1) THE ACTUAL OR PRESUMED IMMIGRATION OR CITIZENSHIP
STATUS OF THE PERSON; OR

(2) INFORMATION ABOUT POTENTIAL IMMIGRATION CONSEQUENCES.
(D) If a government agent violates this section, a person aggrieved by the action may:

(1) Seek redress by means of any appropriate legal remedy;

and

(2) Recover court costs and reasonable attorney’s fees.

Section 2. And be it further enacted, that this Act shall take effect October 1, 2019.