

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 590

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Della, Exum, Gladden, Kelley, Klausmeier, Middleton, and Teitelbaum”; in line 2, strike “- Fraud”; in line 4, strike “immigrants” and substitute “noncitizens”; in the same line, after “exceptions;” insert “prohibiting an immigration consultant from taking certain actions; establishing a certain rebuttable presumption; requiring a certain contract to be executed before an immigration consultant provides certain assistance; requiring certain notices to be posted at an immigration consultant’s place of business;”; strike beginning with “establishing” in line 4 down through “Act” in line 5 and substitute “providing that an immigration consultant that violates this Act is guilty of a misdemeanor”; in line 5, strike “affected” and substitute “injured”; strike beginning with “against” in line 6 down through “amount” in line 7 and substitute “to recover certain fees or other compensation and reasonable attorney’s fees in a certain amount”; in line 8, strike “treble” and substitute “certain”; strike beginning with “requiring” in line 8 down through “immigrants;” in line 10; in line 12, strike “immigrants” and substitute “noncitizens”; and in line 16, strike “Fraud”.

AMENDMENT NO. 2

On page 1, in line 22, strike “FRAUD”; in line 26, strike “ANY INDIVIDUAL FOR WHICH” and substitute “A NONCITIZEN OR ANY PERSON SEEKING TO SPONSOR A NONCITIZEN FOR WHOM”; in line 27, strike “ANY” and substitute “OR OFFERS TO PERFORM A”; and in the same line, strike “INDIVIDUAL’S” and substitute “NONCITIZEN’S”.

AMENDMENT NO. 3

On page 2, strike beginning with “ANY” in line 1 down through “RENDERS” in line 4 and substitute “A PERSON THAT PROVIDES”; in line 5, strike “IMMIGRANTS” and substitute “A CLIENT”; in the same line, after “ON” insert “AN”; in the same line, strike “MATTERS” and substitute “MATTER”; in line 6, after “ANY” insert “LEGAL”; in line 7, strike “AFFECTING” and substitute “THAT”:

(Over)

(1) AFFECTS”;

in the same line, strike “THAT” and substitute “; AND

(2)”;

in the same line, after “UNDER” insert “;

(I)”;

in line 9, strike “COUNTRY,” and substitute “COUNTRY.”; in the same line, after the second “OR” insert:

“(II)”;

in lines 9 and 10, strike “THAT ARISES UNDER THE” and substitute “AN”; in line 11, strike “OR”; in line 12, after “STATE” insert “, THE UNITED STATES DEPARTMENT OF JUSTICE, OR THE UNITED STATES DEPARTMENT OF COMMERCE”; in line 13, after “(E)” insert “(1)”; in the same line, strike “CLIENTS AND” and substitute “AN INDIVIDUAL.”

(2) “LEGAL SERVICES””;

in lines 14, 15, and 15 and 16, in each instance, strike “A CLIENT” and substitute “AN INDIVIDUAL”; in line 17, after “MEANS” insert “;

(1)”;

in line 18, after “INDIVIDUAL” insert a semicolon; in the same line, strike “INCLUDES” and substitute:

“(2)”;

in line 19, after “ENGLISH” insert “FOR AN INDIVIDUAL”; in line 24, strike “THE CODE OF FEDERAL REGULATIONS, TITLE 8,” and substitute “8 CFR”; in line 25, strike “OR”; strike beginning with “OR” in line 26 down through “SERVICES” in line 29 and substitute “THAT HAS BEEN ACCREDITED UNDER 8 CFR § 292.2.”

(4) A REPRESENTATIVE OF AN ACCREDITED NONPROFIT ORGANIZATION WHO:

(I) IS ACCREDITED UNDER 8 CFR § 292.2; OR

(II) HAS INITIATED THE ACCREDITATION PROCESS PRIOR TO JANUARY 5, 2006; OR

(5) A CLINIC AFFILIATED WITH A LAW SCHOOL IN THE STATE”;

in line 31, strike “IN THE COURSE OF DEALING WITH CLIENTS OR PROSPECTIVE CLIENTS,”; in line 35, strike “ANY” and substitute “A”; in lines 35 and 36, strike “, DIRECTLY OR INDIRECTLY,”; and in line 36, strike “CLIENT’S BUSINESS” and substitute “CLIENT TO USE SERVICES PROVIDED BY THE IMMIGRATION CONSULTANT”.

AMENDMENT NO. 4

On page 3, in lines 2 and 3, strike “ANY AGENCY WITHIN”; in line 4, strike “OR”; in line 5, after “LABOR” insert “, THE UNITED STATES DEPARTMENT OF JUSTICE, OR THE UNITED STATES DEPARTMENT OF COMMERCE”; in line 6, strike “RETAIN ANY” and substitute “COLLECT ANY FEES OR OTHER”; in line 8, after “REQUEST;” insert “OR”; strike beginning with “, IN” in line 9 down through “OTHER” in line 10 and substitute “THAT THE IMMIGRATION CONSULTANT POSSESSES”; in line 11, strike “COULD CAUSE A CLIENT TO BELIEVE THAT” and substitute “WOULD QUALIFY”; in line 12, strike “IS QUALIFIED”; strike beginning with “; OR” in line 12 down through “CLIENT” in line 14; in line 16, after “A” insert “REBUTTABLE”; in line 19, strike “THE” and substitute “AN”; strike beginning with “INDIVIDUAL” in line 23 down through “AND” in line 24 and substitute “CLIENT HAS THE RIGHT TO CONSULT AN ATTORNEY BEFORE SIGNING THE CONTRACT;”

(4) A STATEMENT THAT THE CLIENT HAS THE RIGHT TO RESCIND THE CONTRACT WITHIN 72 HOURS OF SIGNING;

(5) THE STATEMENT, “I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN MARYLAND, AND MAY NOT PROVIDE LEGAL FORMS, GIVE LEGAL

ADVICE, OR PROVIDE LEGAL SERVICES”, WHICH SHALL BE CONSPICUOUSLY PLACED IN THE CONTRACT;

(6) THE STATEMENT, “I CANNOT ACCEPT A FEE FOR REFERRING A CLIENT TO ANOTHER PERSON FOR SERVICES THAT I CANNOT OR WILL NOT PERFORM”, WHICH SHALL BE CONSPICUOUSLY PLACED IN THE CONTRACT; AND”;

in line 25, strike “(4)” and substitute “(7)”; and in line 28, strike “STATED”.

AMENDMENT NO. 5

On page 4, strike beginning with “ANY” in line 2 down through “BUSINESS” in line 4 and substitute “AN IMMIGRATION CONSULTANT SHALL POST, IN A CONSPICUOUS LOCATION AT EACH PLACE OF BUSINESS AT WHICH THE IMMIGRATION CONSULTANT PROVIDES IMMIGRATION CONSULTING SERVICES, A SIGN”; in line 13, strike “INDIVIDUAL WHO” and substitute “IMMIGRATION CONSULTANT THAT”; in line 15, strike “AFFECTED” and substitute “INJURED”; in line 17, strike “COSTS REMITTED” and substitute “FEES OR OTHER COMPENSATION PAID”; in line 18, strike the first “THE” and substitute “AN”; and in the same line, strike “OF” and substitute “EQUAL TO”.