

HOUSE BILL 735

E4

8lr2786
CF SB 421

By: **Delegates Miller, Aumann, Bartlett, Bates, Beitzel, Boteler, Costa, Dwyer, Elliott, Elmore, Frank, George, Impallaria, Jennings, Kelly, Kipke, Krebs, McDonough, McKee, Minnick, Myers, O'Donnell, Schuh, Shank, Smigiel, Stocksedale, Stull, Weir, and Wood**

Introduced and read first time: February 4, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Counties and Municipal Corporations – “Sanctuary Laws” for Illegal Aliens –**
3 **Prohibition**

4 FOR the purpose of requiring local governments to fully comply with and support
5 federal immigration law; defining a certain term; prohibiting local governments
6 from restricting their officials, personnel, or agents from requesting, obtaining,
7 sending, receiving, or maintaining certain immigration information; requiring
8 local governments to implement certain requirements and obligations in a
9 certain manner; requiring local governments to comply with certain provisions
10 of law in order to receive certain aid from the State; and generally relating to
11 compliance with and support of enforcement of federal immigration law by local
12 governments.

13 BY adding to
14 Article – Public Safety
15 Section 3–507
16 Annotated Code of Maryland
17 (2003 Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 41 – Governor – Executive and Administrative Departments
20 Section 4–405
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Article – Public Safety2 **3–507.**

3 (A) IN THIS SECTION, “LOCAL GOVERNMENT” MEANS A COUNTY OR
4 MUNICIPAL CORPORATION.

5 (B) ALL OFFICIALS, PERSONNEL, AND AGENTS OF A LOCAL
6 GOVERNMENT SHALL FULLY COMPLY WITH AND SUPPORT THE ENFORCEMENT
7 OF FEDERAL LAW PROHIBITING THE ENTRY INTO OR PRESENCE OR RESIDENCE
8 IN THE UNITED STATES OF ILLEGAL ALIENS IN VIOLATION OF FEDERAL
9 IMMIGRATION LAW.

10 (C) A LOCAL GOVERNMENT MAY NOT RESTRICT ITS OFFICIALS,
11 PERSONNEL, OR AGENTS FROM REQUESTING, OBTAINING, SENDING, RECEIVING,
12 EXCHANGING, OR MAINTAINING INFORMATION REGARDING THE IMMIGRATION
13 STATUS OF AN INDIVIDUAL.

14 (D) A LOCAL GOVERNMENT SHALL IMPLEMENT THE REQUIREMENTS
15 AND OBLIGATIONS OF THIS SECTION IN A MANNER THAT:

16 (1) IS FULLY CONSISTENT WITH FEDERAL LAW REGULATING
17 IMMIGRATION; AND

18 (2) PROTECTS THE CIVIL RIGHTS OF ALL U.S. CITIZENS AND
19 ALIENS.

20 (E) A LOCAL GOVERNMENT MAY NOT CONSTRUE THIS SECTION TO
21 PROHIBIT ITS OFFICIALS, PERSONNEL, OR AGENTS FROM:

22 (1) RENDERING EMERGENCY MEDICAL CARE OR ANY OTHER
23 PUBLIC BENEFIT MANDATED BY FEDERAL OR STATE LAW; OR

24 (2) REPORTING CRIMINAL ACTIVITY TO A LAW ENFORCEMENT
25 AGENCY.

26 **Article 41 – Governor – Executive and Administrative Departments**

27 **4–405.**

28 (a) If the Secretary of State Police finds that a county is not complying with
29 the maintenance of effort provisions of § 4–402 of this subtitle[,] OR THAT A COUNTY
30 OR MUNICIPAL CORPORATION IS NOT COMPLYING WITH THE PROVISIONS OF §
31 **3–507 OF THE PUBLIC SAFETY ARTICLE**, the Secretary of State Police shall notify
32 the subdivision or qualifying municipality of such noncompliance.

1 (b) If a subdivision or qualifying municipality disputes the finding within 30
2 days of the issuance of such notice, the dispute shall be promptly referred to the
3 Secretary of the Department of Budget and Management, who shall make a final
4 determination.

5 (c) Upon receipt of certification of noncompliance by the Secretary of State
6 Police or the Secretary of the Department of Budget and Management, as the case
7 may be, the Comptroller shall suspend, until notification of compliance is received,
8 payment of any funds due the subdivision or qualifying municipality for the current
9 fiscal year, as provided in § 4–403 of this subtitle, to the extent that the State’s aid due
10 the subdivision or qualifying municipality in the current fiscal year under that section
11 exceeds the amount which the subdivision or qualifying municipality received in the
12 prior fiscal year.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2008.