

**HB1208/108074/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1208  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Criminal Procedure – Immigration – U Nonimmigrant Status and Enforcement”; in line 4, after the first “of” insert “prohibiting a police officer from detaining or arresting without a warrant a person based on a certain violation of immigration law except under certain circumstances; prohibiting a police officer from making certain inquiries except under certain circumstances;”; strike beginning with “providing” in line 7 down through “circumstances;” in line 9; strike beginning with “providing” in line 11 down through “circumstances;” in line 15 and substitute “requiring the Maryland Police Training and Standards Commission to require law enforcement officers to receive certain training regarding limitations on enforcement of certain federal immigration laws; requiring each law enforcement agency in the State to establish a certain policy on the agency’s participation in federal immigration enforcement; requiring certain provisions to be included in a certain policy on a law enforcement agency’s participation in federal immigration enforcement; requiring a law enforcement agency to post a certain policy on a certain Web site; requiring all employees and agents of State and local government to conduct certain operations in certain ways; requiring all State agencies to review certain policies, identify certain changes, and make certain changes at a certain time for a certain purpose;”; in line 19, after “Section” insert “2-202.1; and”; and after line 22, insert:

“BY repealing and reenacting, with amendments,

Article - Public Safety

Section 3-207(a)(16)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

(Over)

**HB1208/108074/1 Judicial Proceedings Committee**  
**Amendments to HB 1208**  
**Page 2 of 6**

Article - Public Safety

Section 3-520

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, The Supreme Court of the United States, in Arizona v. United States, 567 U.S. (2012) held that state and local law enforcement officials may not, without limited and specific authority from the federal government, make a warrantless arrest of an immigrant based on possible removability; and

WHEREAS, The Fourth Amendment to the United States Constitution protects an individual from unreasonable searches and seizures and the Supreme Court of the United States has held that warrantless detentions and arrests by law enforcement officials are per se unreasonable except in specific, limited circumstances; now, therefore.”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

**“2-202.1.**

**(A) UNLESS AUTHORIZED BY FEDERAL LAW, A POLICE OFFICER MAY NOT STOP OR ARREST WITHOUT A WARRANT A PERSON BASED ON A POSSIBLE CIVIL VIOLATION OF FEDERAL IMMIGRATION LAW.**

**(B) UNLESS AUTHORIZED BY FEDERAL LAW OR IN FURTHERANCE OF AN ONGOING CRIMINAL INVESTIGATION, A POLICE OFFICER MAY NOT INQUIRE ABOUT AN INDIVIDUAL’S IMMIGRATION STATUS, CITIZENSHIP STATUS, OR PLACE OF BIRTH, BEFORE ARREST.”;**

**HB1208/108074/1 Judicial Proceedings Committee  
Amendments to HB 1208  
Page 3 of 6**

in line 14, after “(3)” insert “THE ATTORNEY GENERAL OR ASSISTANT ATTORNEY GENERAL; OR

(4)”;

in line 15, strike “A”; in the same line, strike “CRIME OR”; strike beginning with the semicolon in line 16 down through “REGULATION” in line 20; in line 22, after the semicolon insert “OR”; and strike beginning with the semicolon in line 25 down through “REGULATIONS” in line 27.

On page 3, strike in their entirety lines 1 through 4, inclusive; and in line 5, strike “(E)” and substitute “(D)”.

On page 4, in line 10, strike “AND”; and in line 11, after “STALKING” insert “;

**(29) A CRIMINAL OFFENSE FOR WHICH THE NATURE AND ELEMENTS OF THE OFFENSE ARE SUBSTANTIALLY SIMILAR TO AN OFFENSE LISTED IN ITEMS (1) THROUGH (28) OF THIS SUBSECTION; AND**

**(30) AN ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT AN OFFENSE LISTED IN ITEMS (1) THROUGH (29) OF THIS SUBSECTION”.**

On pages 4 and 5, strike in their entirety the lines beginning with line 22 on page 4 through line 12 on page 5, inclusive.

On page 5, in line 13, strike “(D)” and substitute “(B)”.

On pages 5 and 6, strike in their entirety the lines beginning with line 21 on page 5 through line 2 on page 6, inclusive.

(Over)

**HB1208/108074/1 Judicial Proceedings Committee  
Amendments to HB 1208  
Page 4 of 6**

On page 6, after line 2, insert:

“Article – Public Safety

3–207.

(a) The Commission has the following powers and duties:

(16) to require, for entrance–level police training and, as determined by the Commission, for in–service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions:

(i) training in lifesaving techniques, including Cardiopulmonary Resuscitation (CPR);

(ii) training in the proper level and use of force;

(iii) training regarding sensitivity to cultural and gender diversity; [and]

(IV) TRAINING REGARDING LIMITATIONS ON ENFORCEMENT OF FEDERAL IMMIGRATION LAWS, INCLUDING THE CONSTITUTIONAL PROHIBITION ON A STATE OR LOCAL LAW ENFORCEMENT OFFICER CONDUCTING, WITHOUT LIMITED AND SPECIFIC AUTHORITY UNDER FEDERAL LAW:

1. A WARRANTLESS STOP, ARREST, OR SEARCH OF AN INDIVIDUAL BASED ON POSSIBLE VIOLATIONS OF CIVIL FEDERAL IMMIGRATION LAWS; AND

**2. AN INVESTIGATION OR WARRANTLESS STOP, ARREST, OR SEARCH OF AN INDIVIDUAL BASED SOLELY ON THE INDIVIDUAL'S IMMIGRATION STATUS, CITIZEN STATUS, OR PLACE OF BIRTH; AND**

**[(iv)](v) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities;**

**3-520.**

**(A) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL ADOPT A WRITTEN POLICY ON THE AGENCY'S PROCEDURES ON FEDERAL IMMIGRATION ENFORCEMENT, INCLUDING A PROHIBITION AGAINST A LAW ENFORCEMENT OFFICER CONDUCTING A WARRANTLESS STOP, ARREST, OR SEARCH OF AN INDIVIDUAL BASED ON POSSIBLE VIOLATIONS OF CIVIL FEDERAL IMMIGRATION LAWS, EXCEPT UNDER SPECIFIC, LIMITED CIRCUMSTANCES AUTHORIZED IN ACCORDANCE WITH THE FEDERAL AND STATE CONSTITUTIONS.**

**(B) A LAW ENFORCEMENT AGENCY SHALL POST THE POLICY ON THE AGENCY'S WEB SITE IF THE AGENCY MAINTAINS A WEB SITE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That all employees and agents of the State or local governments shall conduct operations and information gathering and sharing in a manner that is consistent with the federal and State constitutions.**

**SECTION 3. AND BE IT FURTHER ENACTED, That in order to ensure that eligible individuals are not deterred from seeking services or engaging with State agencies, all State agencies shall review their confidentiality policies and identify and implement any changes necessary to ensure that information collected from individuals is limited to that which is necessary to perform agency duties, does not include inquiries into immigration status unless required by federal law or necessary to make a determination of eligibility, and is not used or disclosed for any other purpose.”;**

(Over)

**HB1208/108074/1 Judicial Proceedings Committee  
Amendments to HB 1208  
Page 6 of 6**

and in line 3, strike “2.” and substitute “4.”.