

# HOUSE BILL 1208

E2

7lr2451  
CF SB 616

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By: **Delegates Morales, Sanchez, Cullison, Dumais, Glenn, Kelly, Lam, R. Lewis, Lierman, A. Miller, Moon, Proctor, Robinson, Sydnor, Tarlau, Valderrama, and M. Washington**

Introduced and read first time: February 9, 2017

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Victims and Witnesses – U Nonimmigrant Status – Certification of Victim**  
3 **Helpfulness**

4 FOR the purpose of authorizing, for purposes of filing a certain petition for certain  
5 immigration status, a certain victim or victim’s family member to request a certain  
6 certifying official to certify victim helpfulness on a Form I–918, Supplement B  
7 certification under certain circumstances; providing that, for the purpose of this Act,  
8 a victim shall be considered to be helpful, to have been helpful, or likely to be helpful  
9 under certain circumstances; requiring the certifying official to sign and complete  
10 the certification in a certain manner and within a certain period of time under  
11 certain circumstances; providing that certain conditions are not required in order to  
12 request or obtain the certification; authorizing the certifying official to withdraw the  
13 certification only under certain circumstances; authorizing a certifying entity to  
14 disclose the immigration status of a victim or person requesting the certification only  
15 under certain circumstances; defining certain terms; and generally relating to  
16 certain certifications of victim helpfulness for U Nonimmigrant Status certification.

17 BY adding to

18 Article – Criminal Procedure

19 Section 11–929 and 11–930 to be under the new part “Part IV. Petition for U  
20 Nonimmigrant Status”

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2016 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Criminal Procedure**

4 **11-927. RESERVED.**

5 **11-928. RESERVED.**

6 **PART IV. PETITION FOR U NONIMMIGRANT STATUS.**

7 **11-929.**

8 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**  
9 **INDICATED.**

10 **(B) “CERTIFYING ENTITY” MEANS:**

11 **(1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY;**

12 **(2) A STATE’S ATTORNEY OR DEPUTY OR ASSISTANT STATE’S**  
13 **ATTORNEY;**

14 **(3) ANY OTHER AUTHORITY THAT HAS RESPONSIBILITY FOR THE**  
15 **DETECTION, INVESTIGATION, OR PROSECUTION OF A QUALIFYING CRIME OR**  
16 **CRIMINAL ACTIVITY; OR**

17 **(4) AN AGENCY THAT HAS CRIMINAL DETECTION OR INVESTIGATIVE**  
18 **JURISDICTION IN ITS RESPECTIVE AREAS OF EXPERTISE, INCLUDING CHILD**  
19 **PROTECTIVE SERVICES, THE COMMISSION ON CIVIL RIGHTS, AND THE**  
20 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION.**

21 **(C) “CERTIFYING OFFICIAL” MEANS:**

22 **(1) THE HEAD OF A CERTIFYING ENTITY;**

23 **(2) AN INDIVIDUAL IN A SUPERVISORY ROLE WHO HAS BEEN**  
24 **SPECIFICALLY DESIGNATED BY THE HEAD OF A CERTIFYING ENTITY TO ISSUE FORM**  
25 **I-918, SUPPLEMENT B CERTIFICATIONS ON BEHALF OF THAT ENTITY; OR**

26 **(3) ANY OTHER CERTIFYING OFFICIAL DEFINED UNDER TITLE 8, §**  
27 **214.14(A)(2) OF THE CODE OF FEDERAL REGULATIONS.**

1           **(D) “QUALIFYING CRIME” INCLUDES A CRIMINAL OFFENSE FOR WHICH THE**  
2 **NATURE AND ELEMENTS OF THE OFFENSE ARE SUBSTANTIALLY SIMILAR TO THE**  
3 **CRIMINAL ACTIVITY DESCRIBED IN SUBSECTION (E) OF THIS SECTION AND THE**  
4 **ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT THE OFFENSE.**

5           **(E) “QUALIFYING CRIMINAL ACTIVITY” MEANS QUALIFYING CRIMINAL**  
6 **ACTIVITY PURSUANT TO § 101(A)(15)(U)(III) OF THE IMMIGRATION AND**  
7 **NATIONALITY ACT, INCLUDING:**

8           **(1) RAPE;**

9           **(2) TORTURE;**

10          **(3) HUMAN TRAFFICKING;**

11          **(4) INCEST;**

12          **(5) DOMESTIC VIOLENCE;**

13          **(6) SEXUAL ASSAULT;**

14          **(7) ABUSIVE SEXUAL CONDUCT;**

15          **(8) PROSTITUTION;**

16          **(9) SEXUAL EXPLOITATION;**

17          **(10) FEMALE GENITAL MUTILATION;**

18          **(11) HOSTAGE TAKING;**

19          **(12) PEONAGE;**

20          **(13) PERJURY;**

21          **(14) INVOLUNTARY SERVITUDE;**

22          **(15) SLAVERY;**

23          **(16) KIDNAPPING;**

24          **(17) ABDUCTION;**

- 1           **(18) UNLAWFUL CRIMINAL RESTRAINT;**  
2           **(19) FALSE IMPRISONMENT;**  
3           **(20) BLACKMAIL;**  
4           **(21) EXTORTION;**  
5           **(22) MANSLAUGHTER;**  
6           **(23) MURDER;**  
7           **(24) ASSAULT;**  
8           **(25) WITNESS TAMPERING;**  
9           **(26) OBSTRUCTION OF JUSTICE;**  
10           **(27) FRAUD IN FOREIGN LABOR CONTRACTING; AND**  
11           **(28) STALKING.**

12 **11-930.**

13           **(A) FOR PURPOSES OF FILING A PETITION WITH THE UNITED STATES**  
14 **CITIZENSHIP AND IMMIGRATION SERVICES FOR U NONIMMIGRANT STATUS, A**  
15 **VICTIM OR THE VICTIM'S FAMILY MEMBER MAY REQUEST A CERTIFYING OFFICIAL**  
16 **OF A CERTIFYING ENTITY TO CERTIFY VICTIM HELPFULNESS ON A FORM I-918,**  
17 **SUPPLEMENT B CERTIFICATION IF THE VICTIM:**

18           **(1) WAS A VICTIM OF A QUALIFYING CRIMINAL ACTIVITY; AND**

19           **(2) HAS BEEN HELPFUL, IS BEING HELPFUL, OR IS LIKELY TO BE**  
20 **HELPFUL TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT**  
21 **QUALIFYING CRIMINAL ACTIVITY.**

22           **(B) FOR PURPOSES OF DETERMINING HELPFULNESS UNDER SUBSECTION**  
23 **(A) OF THIS SECTION, IF A VICTIM HAS NOT REFUSED OR FAILED TO PROVIDE**  
24 **INFORMATION AND ASSISTANCE REASONABLY REQUESTED BY LAW ENFORCEMENT,**  
25 **THE VICTIM SHALL BE CONSIDERED TO BE HELPFUL, TO HAVE BEEN HELPFUL, OR**  
26 **LIKELY TO BE HELPFUL TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF**  
27 **THE QUALIFYING CRIMINAL ACTIVITY.**

1           **(C) IF THE VICTIM SATISFIES THE CRITERIA SPECIFIED UNDER SUBSECTION**  
2 **(A) OF THIS SECTION, THE CERTIFYING OFFICIAL SHALL FULLY COMPLETE AND SIGN**  
3 **THE FORM I-918, SUPPLEMENT B CERTIFICATION AND, WITH RESPECT TO VICTIM**  
4 **HELPLESSNESS, INCLUDE:**

5                   **(1) SPECIFIC DETAILS ABOUT THE NATURE OF THE CRIME**  
6 **INVESTIGATED OR PROSECUTED;**

7                   **(2) A DETAILED DESCRIPTION OF THE VICTIM'S HELPLESSNESS OR**  
8 **LIKELY HELPLESSNESS TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF**  
9 **THE CRIMINAL ACTIVITY; AND**

10                   **(3) COPIES OF ANY DOCUMENTS IN THE POSSESSION OF THE**  
11 **CERTIFYING OFFICIAL THAT EVINCE THE HARM ENDURED BY THE VICTIM DUE TO**  
12 **THE CRIMINAL ACTIVITY.**

13           **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
14 **THE CERTIFYING ENTITY SHALL CERTIFY OR DECLINE CERTIFICATION OF THE**  
15 **FORM I-918, SUPPLEMENT B CERTIFICATION WITHIN 90 DAYS AFTER RECEIVING A**  
16 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

17                   **(2) IF THE NONCITIZEN VICTIM IS THE SUBJECT OF REMOVAL**  
18 **PROCEEDINGS, THE CERTIFYING ENTITY SHALL CERTIFY OR DECLINE**  
19 **CERTIFICATION OF THE FORM I-918, SUPPLEMENT B CERTIFICATION WITHIN 14**  
20 **DAYS AFTER RECEIVING A REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

21           **(E) A CURRENT INVESTIGATION, THE FILING OF CHARGES, A PROSECUTION,**  
22 **OR A CONVICTION IS NOT REQUIRED FOR A VICTIM OR THE VICTIM'S FAMILY**  
23 **MEMBER TO REQUEST AND OBTAIN THE FORM I-918, SUPPLEMENT B**  
24 **CERTIFICATION UNDER THIS SECTION.**

25           **(F) A CERTIFYING OFFICIAL MAY WITHDRAW THE CERTIFICATION**  
26 **PROVIDED UNDER THIS SECTION ONLY IF THE VICTIM REFUSES TO PROVIDE**  
27 **INFORMATION AND ASSISTANCE WHEN REASONABLY REQUESTED.**

28           **(G) A CERTIFYING ENTITY MAY DISCLOSE THE IMMIGRATION STATUS OF**  
29 **THE VICTIM OR PERSON REQUESTING THE FORM I-918, SUPPLEMENT B**  
30 **CERTIFICATION ONLY:**

31                   **(1) IN ORDER TO COMPLY WITH FEDERAL LAW OR LEGAL PROCESS;**  
32 **OR**

1                   **(2) IF AUTHORIZED BY THE VICTIM OR PERSON REQUESTING THE**  
2 **CERTIFICATION.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.