

SENATE BILL 835

E2
SB 554/14 – JPR

7lr1852
CF 7lr3452

By: **Senators Ramirez, Astle, Benson, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Madaleno, Manno, McFadden, Middleton, Muse, Nathan-Pulliam, Pinsky, Robinson, Rosapepe, Smith, Young, and Zucker**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Law Enforcement and Governmental Trust Act**

3 FOR the purpose of expressing the intent of the General Assembly to restore community
4 trust in Maryland law enforcement and government by clarifying the parameters of
5 local participation in federal immigration enforcement efforts; prohibiting a certain
6 government agent from taking certain actions for certain purposes; prohibiting a law
7 enforcement official from stopping, arresting, searching, or detaining an individual
8 for the purpose of investigating a suspected immigration violation or inquiring about
9 certain matters; prohibiting a government agent from using certain funds, facilities,
10 property, equipment, or personnel for certain purposes; prohibiting a government
11 agent from making a certain database available for a certain purpose; prohibiting a
12 State or local law enforcement agency from placing a law enforcement officer under
13 a certain supervision or employing a certain law enforcement officer under certain
14 circumstances; prohibiting a certain agent from taking certain actions without a
15 judicial warrant; requiring the Attorney General to develop certain policies in
16 consultation with certain stakeholders; requiring all public schools, hospitals, and
17 courthouses to establish and publish certain policies; providing that nothing in this
18 Act shall prevent a certain State agent from responding to a certain request or
19 sending or receiving certain information; requiring all State agencies to review
20 certain policies, identify certain changes, and make certain changes at a certain time
21 for certain purposes; establishing that a certain agreement that conflicts with a
22 certain provision of this Act is null and void at a certain time; defining certain terms;
23 making the provisions of this Act severable; and generally relating to State and local
24 participation in federal immigration enforcement efforts.

25 BY adding to
26 Article – Criminal Procedure
27 Section 5–103

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland (2008 Replacement Volume and 2016 Supplement)

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

Article – Criminal Procedure

6 5-103.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

20 (4) (I) "GOVERNMENT AGENT" MEANS AN AGENT OR EMPLOYEE OF
21 THE STATE, A COUNTY, OR A MUNICIPALITY.

(II) "GOVERNMENT AGENT" INCLUDES:

4. AN AGENT OR EMPLOYEE OF A COURT:

16 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RESTORE
17 COMMUNITY TRUST IN MARYLAND LAW ENFORCEMENT AND GOVERNMENT BY
18 CLARIFYING THE PARAMETERS OF STATE AND LOCAL PARTICIPATION IN FEDERAL
19 IMMIGRATION ENFORCEMENT EFFORTS.

20 (C) A GOVERNMENT AGENT MAY NOT, FOR IMMIGRATION ENFORCEMENT
21 PURPOSES:

22 (1) USE PUBLIC FUNDS, FACILITIES, PROPERTY, EQUIPMENT, OR
23 PERSONNEL TO STOP, INVESTIGATE, DETAIN, DETECT, REPORT, OR ARREST A
24 PERSON:

(4) MAKE AN ARREST BASED ON A CIVIL IMMIGRATION WARRANT:

31 (5) GIVE FEDERAL IMMIGRATION AUTHORITIES ACCESS TO
32 INTERVIEW A PERSON IN AGENCY OR DEPARTMENT CUSTODY:

6 (D) A LAW ENFORCEMENT OFFICIAL MAY NOT STOP, ARREST, SEARCH, OR
7 DETAIN AN INDIVIDUAL TO:

11 (E) A GOVERNMENT AGENT MAY NOT:

22 (F) A STATE OR LOCAL LAW ENFORCEMENT AGENCY MAY NOT PLACE A LAW
23 ENFORCEMENT OFFICER UNDER THE SUPERVISION OF A FEDERAL AGENCY OR
24 EMPLOY A LAW ENFORCEMENT OFFICER DEPUTIZED AS A SPECIAL FEDERAL
25 OFFICER OR SPECIAL FEDERAL DEPUTY EXCEPT TO THE EXTENT THAT SUCH A LAW
26 ENFORCEMENT OFFICER REMAINS SUBJECT TO MARYLAND LAW GOVERNING THE
27 OFFICER'S CONDUCT AND THE POLICIES OF THE EMPLOYING AGENCY.

28 (G) NOTWITHSTANDING ANY OTHER LAW, A GOVERNMENT AGENT MAY NOT,
29 AT THE REQUEST OF FEDERAL IMMIGRATION AUTHORITIES, WITHOUT A JUDICIAL
30 WARRANT:

(2) DETAIN AN INDIVIDUAL; OR

2 (3) NOTIFY FEDERAL IMMIGRATION AUTHORITIES OF RELEASE
3 INFORMATION.

4 (H) (1) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE
5 APPROPRIATE STAKEHOLDERS, SHALL DEVELOP AND ADOPT MODEL POLICIES TO
6 ENSURE THAT ALL PUBLIC SCHOOLS, HOSPITALS, AND COURTHOUSES REMAIN SAFE
7 AND ACCESSIBLE TO ALL MARYLAND RESIDENTS, REGARDLESS OF IMMIGRATION
8 STATUS.

13 (I) NOTHING IN THIS SECTION SHALL PREVENT A GOVERNMENT AGENT
14 FROM:

15 (1) RESPONDING TO:

16 (I) A REQUEST FROM FEDERAL IMMIGRATION AUTHORITIES
17 FOR INFORMATION ABOUT A SPECIFIC PERSON'S CRIMINAL RECORD WHEN
18 ALLOWED BY STATE LAW; OR

19 (II) A LAWFUL SUBPOENA; OR

24 SECTION 2. AND BE IT FURTHER ENACTED, That, in order to ensure that
25 eligible individuals are not deterred from seeking services or engaging with State agencies,
26 all State agencies shall review their confidentiality policies and identify any changes
27 necessary to ensure that information collected from individuals is limited to that which is
28 necessary to perform agency duties, does not include inquiries into immigration status
29 unless required by federal law or necessary to make a determination of eligibility, and is
30 not used or disclosed for any other purpose. Any necessary changes to those policies shall
31 be made as expeditiously as possible, consistent with agency or department procedures.

32 SECTION 3. AND BE IT FURTHER ENACTED, That any agreement in existence
33 on the effective date of this Act that makes any governmental database available in conflict

1 with § 5–103 of the Criminal Procedure Article as enacted by Section 1 of this Act shall be
2 null and void as of the effective date of this Act.

3 **SECTION 4. AND BE IT FURTHER ENACTED**, That, if any provision of this Act or
4 the application thereof to any person or circumstance is held invalid for any reason in a
5 court of competent jurisdiction, the invalidity does not affect other provisions or any other
6 application of this Act that can be given effect without the invalid provision or application,
7 and for this purpose the provisions of this Act are declared severable.

8 **SECTION 5. AND BE IT FURTHER ENACTED**, That this Act shall take effect
9 October 1, 2017.