

# HOUSE BILL 461

E2  
HB 1208/17 – JUD

8lr1305

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By: **Delegates Morales, Anderson, Angel, Conaway, Gibson, Gutierrez, Hettleman, Hill, C. Howard, Krimm, Lafferty, J. Lewis, R. Lewis, Lierman, Luedtke, Moon, Pena–Melnyk, Queen, Sanchez, Tarlau, Valderrama, M. Washington, Wilkins, and P. Young**

Introduced and read first time: January 25, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

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 11–930 and 11–931 to be under the new part “Part IV. Petition for U  
20 Nonimmigrant Status”

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2017 Supplement)

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

25 **Article – Criminal Procedure**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-928. RESERVED.

2 11-929. RESERVED.

3 PART IV. PETITION FOR U NONIMMIGRANT STATUS.

4 11-930.

5 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (B) "CERTIFYING ENTITY" MEANS:

8 (1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY;

9 (2) A STATE'S ATTORNEY OR DEPUTY OR ASSISTANT STATE'S  
10 ATTORNEY;

11 (3) ANY OTHER AUTHORITY THAT HAS RESPONSIBILITY FOR THE  
12 DETECTION, INVESTIGATION, OR PROSECUTION OF A QUALIFYING CRIME OR  
13 CRIMINAL ACTIVITY; OR

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

18 (C) "CERTIFYING OFFICIAL" MEANS:

19 (1) THE HEAD OF A CERTIFYING ENTITY;

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

23 (3) ANY OTHER CERTIFYING OFFICIAL DEFINED UNDER TITLE 8, §  
24 214.14(A)(2) OF THE CODE OF FEDERAL REGULATIONS.

25 (D) "QUALIFYING CRIME" INCLUDES A CRIMINAL OFFENSE FOR WHICH THE  
26 NATURE AND ELEMENTS OF THE OFFENSE ARE SUBSTANTIALLY SIMILAR TO THE  
27 CRIMINAL ACTIVITY DESCRIBED IN SUBSECTION (E) OF THIS SECTION AND THE  
28 ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT THE OFFENSE.

1           **(E) “QUALIFYING CRIMINAL ACTIVITY” MEANS QUALIFYING CRIMINAL**  
2 **ACTIVITY PURSUANT TO § 101(A)(15)(U)(III) OF THE FEDERAL IMMIGRATION AND**  
3 **NATIONALITY ACT, INCLUDING:**

4           **(1) RAPE;**

5           **(2) TORTURE;**

6           **(3) HUMAN TRAFFICKING;**

7           **(4) INCEST;**

8           **(5) DOMESTIC VIOLENCE;**

9           **(6) SEXUAL ASSAULT;**

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

11          **(8) PROSTITUTION;**

12          **(9) SEXUAL EXPLOITATION;**

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

14          **(11) HOSTAGE TAKING;**

15          **(12) PEONAGE;**

16          **(13) PERJURY;**

17          **(14) INVOLUNTARY SERVITUDE;**

18          **(15) SLAVERY;**

19          **(16) KIDNAPPING;**

20          **(17) ABDUCTION;**

21          **(18) UNLAWFUL CRIMINAL RESTRAINT;**

22          **(19) FALSE IMPRISONMENT;**

23          **(20) BLACKMAIL;**

- 1           **(21) EXTORTION;**  
2           **(22) MANSLAUGHTER;**  
3           **(23) MURDER;**  
4           **(24) ASSAULT;**  
5           **(25) WITNESS TAMPERING;**  
6           **(26) OBSTRUCTION OF JUSTICE;**  
7           **(27) FRAUD IN FOREIGN LABOR CONTRACTING; AND**  
8           **(28) STALKING.**

9 **11-931.**

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

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

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

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

25           **(C) IF THE VICTIM SATISFIES THE CRITERIA SPECIFIED UNDER SUBSECTION**  
26 **(A) OF THIS SECTION, THE CERTIFYING OFFICIAL SHALL FULLY COMPLETE AND SIGN**  
27 **THE FORM I-918, SUPPLEMENT B CERTIFICATION AND, WITH RESPECT TO VICTIM**  
28 **HELPFULNESS, INCLUDE:**

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

3           **(2) A DETAILED DESCRIPTION OF THE VICTIM'S HELPFULNESS OR**  
4 **LIKELY HELPFULNESS TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF**  
5 **THE CRIMINAL ACTIVITY; AND**

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

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

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

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

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

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

27           **(1) IN ORDER TO COMPLY WITH FEDERAL LAW OR LEGAL PROCESS;**  
28 **OR**

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

31           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2018.