

SENATE BILL 581

E2
SB 616/17 – JPR

8lr1650

By: **Senators Ramirez, Madaleno, and Manno**
Introduced and read first time: January 31, 2018
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 4, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Procedure – Immigration – U Nonimmigrant Status and Enforcement~~
3 Victims and Witnesses – U Nonimmigrant Status – Certification of Victim
4 Helpfulness

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

18 BY adding to
19 Article – Criminal Procedure
20 Section 11–930 and 11–931 to be under the new part “Part IV. Petition for U
21 Nonimmigrant Status”
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2017 Supplement)

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 **11-928. RESERVED.**

5 **11-929. RESERVED.**

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

7 **11-930.**

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 THE AGENCY’S RESPECTIVE AREAS OF EXPERTISE, INCLUDING
19 CHILD 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.

28 (D) “QUALIFYING CRIME” INCLUDES A CRIMINAL OFFENSE FOR WHICH THE
29 NATURE AND ELEMENTS OF THE OFFENSE ARE SUBSTANTIALLY SIMILAR TO THE

1 CRIMINAL ACTIVITY DESCRIBED IN SUBSECTION (E) OF THIS SECTION AND THE
2 ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT THE OFFENSE.

3 ~~(E) "QUALIFYING CRIMINAL ACTIVITY" MEANS QUALIFYING CRIMINAL~~
4 ~~ACTIVITY UNDER § 101(A)(15)(U)(H) OF THE IMMIGRATION AND NATIONALITY~~
5 ~~ACT, INCLUDING:~~

6 ~~(1) RAPE;~~

7 ~~(2) TORTURE;~~

8 ~~(3) HUMAN TRAFFICKING;~~

9 ~~(4) INCEST;~~

10 ~~(5) DOMESTIC VIOLENCE;~~

11 ~~(6) SEXUAL ASSAULT;~~

12 ~~(7) ABUSIVE SEXUAL CONDUCT;~~

13 ~~(8) PROSTITUTION;~~

14 ~~(9) SEXUAL EXPLOITATION;~~

15 ~~(10) FEMALE GENITAL MUTILATION;~~

16 ~~(11) HOSTAGE TAKING;~~

17 ~~(12) PEONAGE;~~

18 ~~(13) PERJURY;~~

19 ~~(14) INVOLUNTARY SERVITUDE;~~

20 ~~(15) SLAVERY;~~

21 ~~(16) KIDNAPPING;~~

22 ~~(17) ABDUCTION;~~

23 ~~(18) UNLAWFUL CRIMINAL RESTRAINT;~~

24 ~~(19) FALSE IMPRISONMENT;~~

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

10 **(E) "QUALIFYING CRIMINAL ACTIVITY" MEANS QUALIFYING CRIMINAL**
 11 **ACTIVITY UNDER § 101(A)(15)(U)(III) OF THE FEDERAL IMMIGRATION AND**
 12 **NATIONALITY ACT.**

13 **11-931.**

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

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

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

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

1 VICTIM SHALL BE CONSIDERED TO BE HELPFUL, TO HAVE BEEN HELPFUL, OR
2 LIKELY TO BE HELPFUL.

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

7 (1) SPECIFIC DETAILS ABOUT THE NATURE OF THE CRIME
8 INVESTIGATED OR PROSECUTED;

9 (2) A DETAILED DESCRIPTION OF THE VICTIM'S HELPFULNESS OR
10 LIKELY HELPFULNESS TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF
11 THE CRIMINAL ACTIVITY; AND

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

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

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

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

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

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

33 (1) IN ORDER TO COMPLY WITH FEDERAL LAW OR LEGAL PROCESS;
34 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, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.