

HOUSE BILL 214

E2
SB 581/18 – JPR

9lr1111
CF SB 144

By: **Delegates Pena–Melnyk, Acevero, Atterbeary, B. Barnes, D. Barnes, Barron, Bartlett, Boyce, Chang, Charkoudian, Conaway, Crutchfield, Cullison, Dumais, Fennell, W. Fisher, Fraser–Hidalgo, Glenn, Healey, Hill, Ivey, Kelly, Korman, Lafferty, Lehman, J. Lewis, R. Lewis, Lopez, Love, McIntosh, Moon, Mosby, Palakovich Carr, Pendergrass, Proctor, Reznik, Rosenberg, Shetty, Stewart, Sydnor, Turner, Valderrama, Valentino–Smith, Walker, Washington, and Wilkins**

Introduced and read first time: January 23, 2019

Assigned to: Judiciary

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 purposes 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 to request
12 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 (2018 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Criminal Procedure**

3 **11-928. RESERVED.**

4 **11-929. RESERVED.**

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

6 **11-930.**

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

9 **(B) “CERTIFYING ENTITY” MEANS:**

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

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

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

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

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

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

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

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

27 **(D) “QUALIFYING CRIME” INCLUDES A CRIMINAL OFFENSE FOR WHICH THE**
28 **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)(III) OF THE FEDERAL IMMIGRATION AND
5 NATIONALITY ACT.

6 11-931.

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

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

13 (2) HAS BEEN HELPFUL, IS BEING HELPFUL, OR IS LIKELY TO BE
14 HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR
15 PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY.

16 (B) FOR PURPOSES OF DETERMINING HELPFULNESS UNDER SUBSECTION
17 (A) OF THIS SECTION, IF THE VICTIM IS ASSISTING, HAS ASSISTED, OR IS LIKELY TO
18 ASSIST LAW ENFORCEMENT AUTHORITIES IN THE DETECTION, INVESTIGATION, OR
19 PROSECUTION OF QUALIFYING CRIMINAL ACTIVITY, THE VICTIM SHALL BE
20 CONSIDERED TO BE HELPFUL, TO HAVE BEEN HELPFUL, OR LIKELY TO BE HELPFUL.

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

25 (1) SPECIFIC DETAILS ABOUT THE NATURE OF THE CRIME
26 INVESTIGATED OR PROSECUTED;

27 (2) A DETAILED DESCRIPTION OF THE VICTIM'S HELPFULNESS OR
28 LIKELY HELPFULNESS TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF
29 THE CRIMINAL ACTIVITY; AND

30 (3) COPIES OF ANY DOCUMENTS IN THE POSSESSION OF THE
31 CERTIFYING OFFICIAL THAT EVINCE THE HARM ENDURED BY THE VICTIM DUE TO
32 THE CRIMINAL ACTIVITY.

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

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

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

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

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

19 **(1) IN ORDER TO COMPLY WITH FEDERAL LAW OR LEGAL PROCESS;**
20 **OR**

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.