

SENATE BILL 144

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9lr1210
CF 9lr1111

By: **Senators Augustine, Smith, Elfreth, Kagan, Kelley, Lee, Rosapepe, Waldstreicher, West, Young, and Zucker**

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

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,
24 That the Laws of Maryland read as follows:

25 **Article – Criminal Procedure**

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 THE AGENCY'S RESPECTIVE AREAS OF EXPERTISE, INCLUDING
16 CHILD 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 UNDER § 101(A)(15)(U)(III) OF THE FEDERAL IMMIGRATION AND
3 NATIONALITY ACT.

4 11-931.

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

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

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

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

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

23 (1) SPECIFIC DETAILS ABOUT THE NATURE OF THE CRIME
24 INVESTIGATED OR PROSECUTED;

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

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

31 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
32 THE CERTIFYING ENTITY SHALL CERTIFY OR DECLINE CERTIFICATION OF THE
33 FORM I-918, SUPPLEMENT B CERTIFICATION WITHIN 90 DAYS AFTER RECEIVING A

1 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

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

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

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

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

16 **(1) IN ORDER TO COMPLY WITH FEDERAL LAW OR LEGAL PROCESS;**
17 **OR**

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

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2019.**