

SENATE BILL 718

E2, P1, L1

9lr2791
CF 9lr2609

By: **Senator Washington**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Government Agents – Requests for and Use of**
3 **Immigration Status Information**

4 FOR the purpose of prohibiting, except under certain circumstances, a government agent
5 from requesting information about the immigration or citizenship status of a person
6 or a person’s family members or acquaintances; prohibiting a government agent from
7 coercing information or action from a person by using certain information related to
8 immigration; authorizing a certain person to use a certain legal remedy and recover
9 certain fees and costs under certain circumstances; defining the term “government
10 agent”; and generally relating to requests for and the use of immigration status
11 information by government agents.

12 BY adding to
13 Article – Criminal Procedure
14 Section 1–211
15 Annotated Code of Maryland
16 (2018 Replacement Volume)

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

19 **Article – Criminal Procedure**

20 **1–211.**

21 **(A) (1) IN THIS SECTION, “GOVERNMENT AGENT” MEANS AN AGENT OR**
22 **EMPLOYEE OF THE STATE, A COUNTY, OR A MUNICIPALITY.**

23 **(2) “GOVERNMENT AGENT” INCLUDES:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) AN AGENT OR EMPLOYEE OF A PUBLIC PRIMARY SCHOOL, A**
2 **PUBLIC SECONDARY SCHOOL, OR A PUBLIC INSTITUTION OF HIGHER EDUCATION,**
3 **INCLUDING AN AGENT OR EMPLOYEE OF A POLICE OR SECURITY DEPARTMENT OF**
4 **THE FACILITY;**

5 **(II) A LAW ENFORCEMENT OFFICER, AS DEFINED IN §**
6 **3-101 OF THE PUBLIC SAFETY ARTICLE;**

7 **(III) AN AGENT OR EMPLOYEE OF A STATE OR LOCAL LAW**
8 **ENFORCEMENT AGENCY;**

9 **(IV) AN AGENT OR EMPLOYEE OF A COURT;**

10 **(V) AN AGENT OR EMPLOYEE OF A STATE CORRECTIONAL**
11 **FACILITY OR LOCAL CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE**
12 **CORRECTIONAL SERVICES ARTICLE;**

13 **(VI) AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF**
14 **JUVENILE SERVICES;**

15 **(VII) AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF HUMAN**
16 **SERVICES;**

17 **(VIII) AN AGENT OR EMPLOYEE OF A PROSECUTOR, AS DEFINED IN**
18 **§ 9-123 OF THE COURTS ARTICLE; AND**

19 **(IX) AN AGENT OR EMPLOYEE OF A HOSPITAL.**

20 **(B) UNLESS REQUIRED BY LAW, A GOVERNMENT AGENT MAY NOT REQUEST**
21 **INFORMATION ABOUT THE IMMIGRATION OR CITIZENSHIP STATUS OF:**

22 **(1) A PERSON; OR**

23 **(2) A PERSON'S FAMILY MEMBERS OR ACQUAINTANCES.**

24 **(C) A GOVERNMENT AGENT MAY NOT COERCE INFORMATION OR ACTION**
25 **FROM A PERSON BY USING:**

26 **(1) THE ACTUAL OR PRESUMED IMMIGRATION OR CITIZENSHIP**
27 **STATUS OF THE PERSON; OR**

28 **(2) INFORMATION ABOUT POTENTIAL IMMIGRATION CONSEQUENCES.**

1 **(D) IF A GOVERNMENT AGENT VIOLATES THIS SECTION, A PERSON**
2 **AGGRIEVED BY THE ACTION MAY:**

3 **(1) SEEK REDRESS BY MEANS OF ANY APPROPRIATE LEGAL REMEDY;**
4 **AND**

5 **(2) RECOVER COURT COSTS AND REASONABLE ATTORNEY'S FEES.**

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