

SB0234/748276/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 234
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Lam” and substitute “Senators Lam, Hettleman, Jackson, Lee, Smith, Sydnor, and Waldstreicher”.

AMENDMENT NO. 2

On page 1, after line 2, insert:

“(Maryland Driver Privacy Act)”;

and in line 10, after “circumstances;” insert “prohibiting certain persons from disclosing certain information to a federal agent or a federal agency under certain circumstances;”.

AMENDMENT NO. 3

On page 5, in line 25, after “(2)” insert “**A PERSON RECEIVING PERSONAL INFORMATION UNDER SUBSECTION (D), (E), OR (F) OF THIS SECTION MAY NOT DISCLOSE THE PERSONAL INFORMATION TO A FEDERAL AGENT OR FEDERAL AGENCY FOR THE PURPOSE OF FEDERAL IMMIGRATION ENFORCEMENT UNLESS THE PERSON IS PRESENTED WITH A VALID WARRANT ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE.**

(3)”.

On page 6, strike beginning with the colon in line 23 down through “**ENFORCEMENT**” in line 25 and substitute “**ENFORCING FEDERAL IMMIGRATION LAW**”.

(Over)

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On pages 6 and 7, strike beginning with the colon in line 33 on page 6 down through “ENFORCEMENT” in line 1 on page 7 and substitute “ENFORCING FEDERAL IMMIGRATION LAW”.

On page 7, in lines 5 and 6, strike “ANY STATE OR LOCAL AGENCY THAT RECEIVES A REQUEST FROM A FEDERAL AGENCY” and substitute “THE MOTOR VEHICLE ADMINISTRATION, THE DEPARTMENT OF STATE POLICE, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL, WITH RESPECT TO REQUESTS FROM FEDERAL AGENCIES”; in line 6, strike “CIVIL OR CRIMINAL” and substitute “FEDERAL”; in line 8, strike “SHALL” and substitute “, WHETHER OR NOT THE REQUEST WAS INITIATED THROUGH A STATE OR LOCAL LAW ENFORCEMENT AGENCY,”; in line 19, strike “BY THE STATE OR LOCAL AGENCY”; in line 21, strike “A STATE OR LOCAL AGENCY” and substitute “THE MOTOR VEHICLE ADMINISTRATION, THE DEPARTMENT OF STATE POLICE, OR THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; strike beginning with “THE” in line 23 down through “AGENCY” in line 24 and substitute “, RESPECTIVELY, THE MOTOR VEHICLE ADMINISTRATION, THE DEPARTMENT OF STATE POLICE, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; and strike in their entirety lines 27 through 29, inclusive, and substitute:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (i) “DATABASE” MEANS ANY DATABASE OPERATED BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES, INCLUDING DATABASES MAINTAINED FOR A LAW ENFORCEMENT AGENCY BY A PRIVATE VENDOR.

(ii) “DATABASE” DOES NOT INCLUDE A REGISTRY OPERATED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.

(3) (I) “LAW ENFORCEMENT AGENCY” MEANS A FEDERAL, STATE, OR LOCAL AGENCY AUTHORIZED TO ENFORCE CRIMINAL LAWS.

(II) “LAW ENFORCEMENT AGENCY” INCLUDES THE MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.”.

On pages 7 and 8, strike in their entirety the lines beginning with line 31 on page 7 through line 15 on page 8, inclusive, and substitute:

“(1) DENY ACCESS TO THE DATABASE TO ANY INDIVIDUAL WHO IS SEEKING ACCESS FOR THE PURPOSE OF ENFORCING FEDERAL IMMIGRATION LAW, UNLESS THE INDIVIDUAL PRESENTS A VALID WARRANT ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE; AND

(2) REQUIRE AN INDIVIDUAL ACCESSING THE DATABASE TO PROVIDE TO THE ENTITY:

(I) THE INDIVIDUAL’S NAME;

(II) THE INDIVIDUAL’S CONTACT INFORMATION, INCLUDING A TELEPHONE NUMBER, AN E-MAIL ADDRESS, AND A PHYSICAL ADDRESS; AND

(III) UNLESS THE INDIVIDUAL PRESENTS A VALID WARRANT ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE, A STATEMENT BY THE INDIVIDUAL, UNDER PENALTY OF PERJURY, THAT THE INDIVIDUAL IS NOT ACCESSING THE DATABASE FOR THE PURPOSE OF ENFORCING FEDERAL IMMIGRATION LAW.”.