

HB1222/973621/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1222
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 4 down through “date;” in line 11 and substitute “requiring federal law enforcement officers to notify certain individuals of federal immigration action at certain sensitive locations; prohibiting certain schools, libraries, and units of State or local government that operate at certain sensitive locations from allowing certain federal personnel access certain areas, subject to certain exceptions; requiring the Attorney General to develop and publish certain guidance regarding immigration enforcement actions at certain sensitive locations; encouraging private entities that provide certain services to adopt certain policies; requiring certain schools, libraries, and units of State and local government to adopt policies consistent with certain guidance; requiring, on or before a certain date, certain governmental entities, in consultation with the Department of Information Technology, to develop and publish certain procedures that prevent the sale and redisclosure of certain personal records or geolocation data that are provided or made available by governmental entities;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 12 on page 1 through line 10 on page 2, inclusive, and substitute:

“BY repealing and reenacting, without amendments,
Article - Criminal Procedure
Section 2-104(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2024 Supplement)”

BY repealing and reenacting, with amendments,
Article - Criminal Procedure
Section 2-104(c)
Annotated Code of Maryland”

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(2018 Replacement Volume and 2024 Supplement)

BY adding to

Article - Criminal Procedure

Section 2-104.2

Annotated Code of Maryland

(2018 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article - General Provisions

Section 4-501(a)

Annotated Code of Maryland

(2019 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article - State Government

Section 1-101(a) and (d)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

BY adding to

Article - State Government

Section 6-111 and 10-1702

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 13 on page 2 through line 8 on page 6, inclusive, and substitute:

“Article – Criminal Procedure

2–104.

(a) In this section, “federal law enforcement officer” means an officer who may:

(1) make an arrest with or without a warrant for violations of the United States Code; and

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(2) carry firearms in the performance of the officer's duties.

(c) (1) A federal law enforcement officer who acts under the authority granted by this section shall notify the following persons of an investigation [or], AN enforcement action, OR A FEDERAL IMMIGRATION ENFORCEMENT ACTION AT A SENSITIVE LOCATION, AS DEFINED IN § 6-111 OF THE STATE GOVERNMENT ARTICLE:

(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;

2. the police commissioner or police commissioner's designee, when in Baltimore City;

3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;

4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or

6. the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

(2) When the federal law enforcement officer participates in a joint investigation with officials from a State or local law enforcement unit, the federal law enforcement officer shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(Over)

2-104.2.

(A) IN THIS SECTION, “SENSITIVE LOCATION” HAS THE MEANING STATED IN § 6-111 OF THE STATE GOVERNMENT ARTICLE.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO A STATE OR LOCAL CORRECTIONAL FACILITY OR A DETENTION FACILITY IN A DISTRICT COURT OR CIRCUIT COURT HOUSE.

(2) A PUBLIC SCHOOL, A PUBLIC LIBRARY, OR A UNIT OF THE EXECUTIVE BRANCH OF STATE OR LOCAL GOVERNMENT THAT OPERATES AT A SENSITIVE LOCATION SHALL DENY ACCESS TO ANY PORTION OF THE SENSITIVE LOCATION THAT IS NOT ACCESSIBLE TO THE GENERAL PUBLIC TO ANY INDIVIDUAL WHO IS SEEKING ACCESS FOR THE PURPOSE OF ENFORCING FEDERAL IMMIGRATION LAW, UNLESS:

(I) THE INDIVIDUAL PRESENTS A VALID WARRANT ISSUED BY A FEDERAL COURT; OR

(II) EXIGENT CIRCUMSTANCES EXIST.

Article – General Provisions

4-501.

(a) In this section, “personal record” means a public record that names or, with reasonable certainty, otherwise identifies an individual by an identifying factor such as:

- (1) an address;
- (2) a description;
- (3) a fingerprint or voice print;
- (4) a number; or

- (5) a picture.

Article – State Government

1–101.

- (a) In this article the following words have the meanings indicated.

(d) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

6–111.

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

(2) “COLLATERAL IMMIGRATION ENFORCEMENT” MEANS FEDERAL IMMIGRATION ENFORCEMENT ACTIONS THAT AFFECT INDIVIDUALS WHO ARE NOT THE PRIMARY TARGET OF THE ENFORCEMENT ACTION BUT ARE PRESENT AT THE LOCATION OF THE ENFORCEMENT ACTION.

(3) “IMMIGRATION ENFORCEMENT” MEANS FEDERAL IMMIGRATION ENFORCEMENT ACTIONS.

(4) “SENSITIVE LOCATION” MEANS:

(I) A PUBLIC SCHOOL;

(II) A PUBLIC LIBRARY;

(III) A HEALTH CARE FACILITY OPERATED BY A UNIT OF STATE OR LOCAL GOVERNMENT;

(IV) A FACILITY OPERATED BY THE COMPTROLLER;

(Over)

(V) A COURTHOUSE; OR

(VI) ANY OTHER LOCATION THAT:

TO:

1. PROVIDES STATE-FUNDED SERVICES RELATED

A. PHYSICAL OR MENTAL HEALTH;

B. EDUCATION;

C. SHELTER CARE; OR

D. ACCESS TO JUSTICE; AND

2. AS DETERMINED BY THE ATTORNEY GENERAL, REQUIRES SPECIAL CONSIDERATION FOR IMMIGRATION ENFORCEMENT ACTIVITIES.

(B) THE ATTORNEY GENERAL SHALL DEVELOP AND PUBLISH GUIDANCE THAT INFORMS THE PUBLIC AND RELEVANT STATE AGENCIES ABOUT:

(1) DELINEATING BETWEEN IMMIGRATION ENFORCEMENT WITHIN THE PUBLIC PORTIONS OF SENSITIVE LOCATIONS AND THE NONPUBLIC OR PRIVATE PORTIONS OF SENSITIVE LOCATIONS;

(2) VERIFYING THE IDENTITY OF IMMIGRATION ENFORCEMENT AGENTS AND VALIDATING IMMIGRATION ENFORCEMENT DOCUMENTATION SEEKING SPECIFIC INDIVIDUALS;

(3) LIMITING LIABILITY EXPOSURE FOR STATE, LOCAL, AND PRIVATE INSTITUTIONS AND THE PARTICIPATION OF THE EMPLOYEES OF THOSE INSTITUTIONS IN IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS;

(4) FACILITATING RELATIONSHIPS BETWEEN FEDERAL LAW ENFORCEMENT OFFICERS AND STATE AND LOCAL OFFICIALS AND LAW ENFORCEMENT OFFICERS IN ORDER TO CONDUCT IMMIGRATION ENFORCEMENT ACTIVITIES THROUGH THE LEAST DANGEROUS AND DISRUPTIVE MEANS; AND

(5) COMPLYING WITH EXISTING LEGAL OBLIGATIONS AND LIMITATIONS ON STATE AND LOCAL AGENCIES WHILE MAINTAINING PUBLIC SAFETY AND ACCESSIBILITY TO THOSE AGENCIES.

(C) PRIVATE ENTITIES ARE ENCOURAGED TO ADOPT POLICIES CONSISTENT WITH THE GUIDANCE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION IF THE PRIVATE ENTITIES PROVIDE SERVICES RELATED TO:

- (1) PHYSICAL OR MENTAL HEALTH;
- (2) EDUCATION;
- (3) SHELTER CARE; OR
- (4) ACCESS TO JUSTICE.

(D) ON OR BEFORE OCTOBER 1, 2025, EACH PUBLIC SCHOOL, PUBLIC LIBRARY, AND UNIT OF THE EXECUTIVE BRANCH OF STATE OR LOCAL GOVERNMENT THAT OPERATES AT A SENSITIVE LOCATION SHALL IMPLEMENT A POLICY CONSISTENT WITH THE GUIDANCE ISSUED BY THE ATTORNEY GENERAL UNDER THIS SECTION.

(E) THE GUIDANCE AND POLICIES REQUIRED BY THIS SECTION ARE NOT SUBJECT TO TITLE 10, SUBTITLES 1, 2, AND 3 OF THE STATE GOVERNMENT ARTICLE.

10-1702.

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

(Over)

(2) “GOVERNMENTAL ENTITY” MEANS A UNIT OR INSTRUMENTALITY OF STATE OR LOCAL GOVERNMENT.

(3) “PERSONAL RECORD” HAS THE MEANING STATED IN § 4-501 OF THE GENERAL PROVISIONS ARTICLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JULY 1, 2026, EACH GOVERNMENTAL ENTITY, IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY, SHALL DEVELOP AND PUBLISH PROCEDURES THAT PREVENT THE SALE AND REDISCLOSURE OF PERSONAL RECORDS AND GEOLOCATION DATA PROVIDED OR MADE AVAILABLE BY THE GOVERNMENTAL ENTITY IN A WAY THAT HARMS THE PRIVACY OF RESIDENTS OF THE STATE.

(2) THE PROCEDURES REQUIRED AND PUBLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ADDRESS:

(I) ANY POSSIBLE CONTRACTUAL LIMITATIONS ON THE SALE OR REDISCLOSURE OF PERSONAL RECORDS OR GEOLOCATION DATA THAT A GOVERNMENTAL ENTITY MAY PLACE ON A PERSON WHO RECEIVES PERSONAL RECORDS OR GEOLOCATION DATA THAT ARE PROVIDED OR MADE AVAILABLE BY THE GOVERNMENTAL ENTITY;

(II) CONSIDERATIONS REGARDING:

1. THE THREAT TO PRIVACY POSED BY DATA BROKERS WHO UTILIZE PERSONAL RECORDS OR GEOLOCATION DATA FOR COMMERCIAL PURPOSES;

2. THE RISK THAT PERSONAL RECORDS OR GEOLOCATION DATA MAY BE USED FOR PURPOSES OTHER THAN THE PURPOSES FOR WHICH THE PERSONAL RECORDS OR GEOLOCATION DATA WERE DEVELOPED OR COLLECTED; AND

3. GEOLOCATION, GENETIC, AND OTHER SENSITIVE DATA; AND

(III) ANY OTHER CONSIDERATIONS NECESSARY TO:

1. PROTECT THE PRIVACY OF RESIDENTS OF THE STATE;

2. DISCOURAGE THE DEVELOPMENT OF A SECONDARY COMMERCIAL MARKET FOR PERSONAL RECORDS OR GEOLOCATION DATA THAT ARE PROVIDED OR MADE AVAILABLE BY A GOVERNMENTAL ENTITY; AND

3. LIMIT A PERSON WHO RECEIVES PERSONAL RECORDS OR GEOLOCATION DATA THAT ARE PROVIDED OR MADE AVAILABLE BY A GOVERNMENTAL ENTITY FROM SELLING OR REDISCLOSING THE DATA WITH OTHER PERSONS.

(C) ON OR BEFORE JULY 1, 2026, EACH GOVERNMENTAL ENTITY SHALL, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, SUBMIT TO THE GENERAL ASSEMBLY A COPY OF THE PROCEDURES DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.”.