

SB0828/383321/1

BY: Judiciary Committee

AMENDMENTS TO SENATE BILL 828
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 through 4, inclusive, and substitute:

“Public Safety – Immigration Enforcement
(Maryland Values Act)”;

in line 5, after the first “of” insert “requiring an employee or agent of a State or local correctional facility and a law enforcement agent to provide certain notice of the release of a certain individual and transfer the individual to federal immigration authorities under certain circumstances; requiring federal law enforcement officers to notify certain individuals of federal immigration action at certain sensitive locations;”; in the same line, after “State” insert “or local”; in line 7, after “exceptions;” insert “prohibiting the State, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the State or a unit of local government from entering into a certain immigration enforcement agreement; requiring the termination of an existing immigration enforcement agreement on or before a certain date;”; in line 8, after “develop” insert “and publish certain”; in the same line, after “enforcement” insert “actions”; strike beginning with “requiring” in line 9 down through the semicolon in line 10 and substitute “encouraging private entities that provide certain services to adopt certain policies;”; in line 11, after “State” insert “or local”; after line 14, insert:

“BY adding to

Article - Correctional Services

Section 9–309

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

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) and 5–104
Annotated Code of Maryland
(2018 Replacement Volume and 2024 Supplement)”;

and in line 17, after “2–104.2” insert “and 5–104.1”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“Article – Correctional Services

9–309.

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

(2) “COVERED INDIVIDUAL” MEANS AN INDIVIDUAL WHO:

(I) IS THE SUBJECT OF AN ACTIVE IMMIGRATION DETAINER REQUEST; AND

(II) 1. HAS BEEN CONVICTED ON OR AFTER JUNE 1, 2025,

OF:

A. A CRIME OF VIOLENCE;

B. ANY FELONY;

C. USING A FIREARM IN THE COMMISSION OF A CRIME
OF VIOLENCE UNDER § 4-204(B) OF THE CRIMINAL LAW ARTICLE;

D. DRIVING UNDER THE INFLUENCE; OR

E. ENGAGING IN CRIMINAL ORGANIZATION ACTIVITY;

OR

2. HAS BEEN ISSUED AN INTERPOL NOTICE FOR
CRIMINAL ORGANIZATION ACTIVITY.

(3) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14-101
OF THE CRIMINAL LAW ARTICLE.

(4) “CRIMINAL ORGANIZATION” HAS THE MEANING STATED IN §
9-801 OF THE CRIMINAL LAW ARTICLE.

(5) “DRIVING UNDER THE INFLUENCE” HAS THE MEANING STATED
IN § 21-902 OF THE TRANSPORTATION ARTICLE.

(6) “INTERPOL NOTICE” MEANS A REQUEST ISSUED BY THE
INTERNATIONAL CRIMINAL POLICE ORGANIZATION FOR LAW ENFORCEMENT
WORLDWIDE TO LOCATE AND PROVISIONALLY ARREST A PERSON PENDING
EXTRADITION, SURRENDER, OR SIMILAR LEGAL ACTION.

(Over)

(B) IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES, AN EMPLOYEE OR AGENT OF A STATE OR LOCAL CORRECTIONAL FACILITY SHALL:

(1) PROVIDE NOTICE OF THE RELEASE OF A COVERED INDIVIDUAL AT LEAST 48 HOURS BEFORE THE RELEASE OF THE COVERED INDIVIDUAL IN ORDER TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES; AND

(2) TRANSFER A COVERED INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES, PROVIDED THAT THE TRANSFER DOES NOT EXTEND THE TIME IN CUSTODY OF THE COVERED INDIVIDUAL BEYOND THE INDIVIDUAL’S SCHEDULED RELEASE.”;

after line 4, insert:

“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

(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:

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(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.”;

and after line 17, insert:

(Over)

“5-104.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Civil immigration violation” means a violation of federal civil immigration law.
- (3) “Family member” means a relative by blood, adoption, or marriage.
- (4) “Household member” means a person who lives with another or is a regular presence in the home of another.
- (5) (i) “Law enforcement agent” means an individual who is certified by the Maryland Police Training and Standards Commission under § 3-209 of the Public Safety Article.
- (ii) “Law enforcement agent” does not include an agent or employee of a State correctional facility or a local correctional facility.
- (6) “Local correctional facility” has the meaning stated in § 1-101 of the Correctional Services Article.
- (7) “State correctional facility” has the meaning stated in § 1-101 of the Correctional Services Article.
- (b) (1) In this subsection, “arrest” does not include a routine booking procedure.
- (2) Except as provided in paragraphs (3) [and], (4), AND (5) of this subsection, a law enforcement agent may not, during the performance of regular police functions:

(i) inquire about an individual's citizenship, immigration status, or place of birth during a stop, a search, or an arrest;

(ii) detain, or prolong the detention of, an individual:

1. for the purpose of investigating the individual's citizenship or immigration status; or

2. based on the suspicion that the individual has committed a civil immigration violation;

(iii) transfer an individual to federal immigration authorities unless required by federal law; or

(iv) coerce, intimidate, or threaten any individual based on the actual or perceived citizenship or immigration status of the individual or:

1. the individual's family member;

2. the individual's household member;

3. the individual's legal guardian; or

4. another individual for whom the individual is a legal guardian.

(3) Nothing in this subsection shall prevent a law enforcement agent from inquiring about any information that is material to a criminal investigation.

(4) If the citizenship or immigration status of an individual is relevant to a protection accorded to the individual under State or federal law, or subject to a requirement imposed by international treaty, a law enforcement agent may:

(i) notify the individual of the protection or requirement; and

(ii) provide the individual an opportunity to voluntarily disclose the individual's citizenship or immigration status for the purpose of receiving the protection or complying with the requirement.

(5) (I) IN THIS PARAGRAPH, "COVERED INDIVIDUAL" HAS THE MEANING STATED IN § 9-309 OF THE CORRECTIONAL SERVICES ARTICLE.

(II) IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES, A LAW ENFORCEMENT AGENT SHALL:

1. PROVIDE NOTICE OF THE RELEASE OF A COVERED INDIVIDUAL AT LEAST 48 HOURS BEFORE THE RELEASE OF THE COVERED INDIVIDUAL TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES; AND

2. TRANSFER A COVERED INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES PROVIDED THAT THE TRANSFER DOES NOT EXTEND THE TIME IN CUSTODY OF THE COVERED INDIVIDUAL BEYOND THE INDIVIDUAL'S SCHEDULED RELEASE.

5-104.1.

(A) (1) IN THIS SECTION, "IMMIGRATION ENFORCEMENT AGREEMENT" MEANS A CONTRACT, AN AGREEMENT, AN INTERGOVERNMENTAL

SERVICE AGREEMENT, OR A MEMORANDUM OF UNDERSTANDING WITH THE FEDERAL GOVERNMENT THAT AUTHORIZES THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL GOVERNMENT TO ENFORCE CIVIL IMMIGRATION LAW.

(2) “IMMIGRATION ENFORCEMENT AGREEMENT” INCLUDES AN AGREEMENT MADE IN ACCORDANCE WITH:

(i) 8 U.S.C. § 1103;

(ii) 8 U.S.C. § 1357; OR

(iii) ANY OTHER FEDERAL LAW.

(B) THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL GOVERNMENT MAY NOT ENTER INTO AN IMMIGRATION ENFORCEMENT AGREEMENT.

(C) THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL GOVERNMENT WITH AN EXISTING IMMIGRATION ENFORCEMENT AGREEMENT SHALL EXERCISE THE TERMINATION PROVISION CONTAINED IN THE IMMIGRATION ENFORCEMENT AGREEMENT NOT LATER THAN JULY 1, 2025.”.

AMENDMENT NO. 3

On page 2, in line 9, after “FACILITY” insert “OR A DETENTION FACILITY IN A DISTRICT COURT OR CIRCUIT COURT HOUSE”; in line 11, after “STATE” insert “OR LOCAL”; and in line 16, strike “OR A COURT OF THE STATE”.

(Over)

On page 4, strike line 8 in its entirety and substitute:

“(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:”;

in lines 9, 10, 11, 13, 14, and 15, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)” and “(6)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VII)”, respectively; in line 11, after “STATE” insert “OR LOCAL”; in line 14, strike “OR”; after line 14, insert:

“(VI) A PLACE OF WORSHIP; OR”;

in lines 16, 17, 18, 19, and 20, strike “(I)”, “1.”, “2.”, “3.”, and “(II)”, respectively, and substitute “1.”, “A.”, “B.”, “C.”, and “2.”, respectively; in line 18, strike “OR”; and in line 19, after the semicolon insert “OR

D. ACCESS TO JUSTICE;”.

On pages 4 and 5, strike beginning with “(1)” in line 22 on page 4 down through “LAW.” in line 6 on page 5 and substitute “THE ATTORNEY GENERAL SHALL

DEVELOP AND PUBLISH GUIDANCE THAT INFORMS THE PUBLIC AND RELEVANT STATE AGENCIES ABOUT:

(1) MAXIMIZING PUBLIC SAFETY AND MINIMIZING PUBLIC EXPOSURE TO VIOLENCE OR ACCIDENTS FROM IMMIGRATION ENFORCEMENT CONDUCTED USING FIREARMS AT SENSITIVE LOCATIONS;

(2) MINIMIZING DISRUPTION TO SERVICES PROVIDED AT SENSITIVE LOCATIONS FROM IMMIGRATION ENFORCEMENT CONDUCTED USING FIREARMS;

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

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

(5) ALIGNING ARTICLE 26 OF THE MARYLAND CONSTITUTION, WHICH REQUIRES THAT A WARRANT NAME A SPECIFIC INDIVIDUAL, WITH POLICIES ABOUT COLLATERAL IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS;

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

(7) 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

(8) 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.”.

On page 5, in line 8, after “STATE” insert “OR LOCAL”.