

HOUSE BILL 1188

E4, E2, E5

5lr3184

By: **Delegates Miller, Buckel, Hornberger, Mangione, McComas, T. Morgan, Pippy, Rose, Tomlinson, Valentine, and Wivell**

Introduced and read first time: February 6, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Immigration Enforcement – Cooperation**

3 FOR the purpose of requiring law enforcement agencies, law enforcement agents, and local
4 detention facilities that take custody of an individual to run a certain search on the
5 individual, make a certain notice to federal immigration authorities, and cooperate
6 with federal immigration authorities in regards to certain individuals; prohibiting
7 the State, a unit of local government, a county sheriff, or an agency of the State or a
8 unit of local government from adopting, implementing, or enforcing certain policies;
9 and generally relating to cooperation with federal immigration authorities.

10 BY repealing

11 Article – Criminal Procedure
12 Section 5–104
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2024 Supplement)

15 BY adding to

16 Article – Criminal Procedure
17 Section 5–104
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2024 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That Section(s) 5–104 of Article – Criminal Procedure of the Annotated Code of Maryland
22 be repealed.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
24 as follows:

25 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **5-104.**

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

4 (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
5 3-201 OF THE PUBLIC SAFETY ARTICLE.

6 (3) "LAW ENFORCEMENT AGENT" MEANS AN INDIVIDUAL WHO IS
7 CERTIFIED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
8 UNDER § 3-209 OF THE PUBLIC SAFETY ARTICLE.

9 (B) (1) WHENEVER A LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT
10 AGENT, OR LOCAL DETENTION FACILITY TAKES CUSTODY OF AN INDIVIDUAL, THE
11 LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT AGENT, OR LOCAL DETENTION
12 FACILITY SHALL RUN A SEARCH OF THE INDIVIDUAL IN THE NATIONAL CRIME
13 INFORMATION CENTER (NCIC).

14 (2) IF THE SEARCH REQUIRED BY PARAGRAPH (1) OF THIS
15 SUBSECTION REVEALS THAT AN INDIVIDUAL WHO IS NOT LAWFULLY PRESENT IN
16 THE UNITED STATES IS THE SUBJECT OF AN OUTSTANDING CRIMINAL WARRANT,
17 THE LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT AGENT, OR LOCAL
18 DETENTION FACILITY:

19 (I) SHALL NOTIFY FEDERAL IMMIGRATION AUTHORITIES:

20 1. THAT THE LAW ENFORCEMENT AGENCY, LAW
21 ENFORCEMENT AGENT, OR LOCAL DETENTION FACILITY HAS TAKEN CUSTODY OF
22 THE INDIVIDUAL; AND

23 2. OF THE DETAILS OF THE CUSTODY, INCLUDING, IF
24 APPLICABLE, INFORMATION ON THE PLANNED RELEASE OF THE INDIVIDUAL; AND

25 (II) IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES,
26 SHALL:

27 1. RETAIN CUSTODY OF THE INDIVIDUAL FOR UP TO 48
28 HOURS BEYOND THE PLANNED RELEASE OF THE INDIVIDUAL; AND

29 2. COOPERATE WITH FEDERAL IMMIGRATION
30 AUTHORITIES TO ARRANGE FOR THE TRANSFER OF THE INDIVIDUAL TO FEDERAL
31 IMMIGRATION AUTHORITIES.

1 **(C) DURING AN INVESTIGATION UNDER THIS SECTION, A LAW**
2 **ENFORCEMENT AGENCY, LAW ENFORCEMENT AGENT, OR LOCAL DETENTION**
3 **FACILITY SHALL PROVIDE AN INTERPRETER FOR ANY INDIVIDUAL WHO REQUIRES**
4 **ONE TO EFFECTIVELY COMMUNICATE.**

5 **(D) THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR AN**
6 **AGENCY OF THE STATE OR A UNIT OF LOCAL GOVERNMENT MAY NOT ADOPT,**
7 **IMPLEMENT, OR ENFORCE ANY POLICY THAT LIMITS OR PROHIBITS COOPERATION**
8 **WITH FEDERAL IMMIGRATION AUTHORITIES IN THE INVESTIGATION OR**
9 **APPREHENSION OF INDIVIDUALS WITH OUTSTANDING CRIMINAL WARRANTS WHO**
10 **ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.**

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2025.