E4 5lr2365 CF 5lr3498

By: Delegates Williams, Acevero, Allen, Amprey, Bagnall, Boafo, Boyce, Charkoudian, Crutchfield, Cullison, Davis, Ebersole, Edelson, Embry, Fair, Feldmark, Foley, Forbes, Fraser-Hidalgo, Harris, Hill, Ivey, A. Johnson, D. Jones, Kaiser, Kaufman, Kerr, Lehman, R. Lewis, J. Long, Lopez, Martinez, McCaskill, Mireku-North, Moon, Palakovich Carr, Pasteur, Patterson, Pena-Melnyk, Phillips, Queen, Roberson, Ruff, Ruth, Shetty, Simpson, Smith, Solomon, Spiegel, Stein, Stewart, Taveras, Taylor, Terrasa, Valderrama, Vogel, Wells, White Holland, Wilkins, Wims, Wolek, Woods, Woorman, and Young

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

## A BILL ENTITLED

1	AN	ACT	concerning
_	1 11	1101	COLLECTION

## 2 Public Safety – Immigration Enforcement (Maryland Values Act)

- 4 FOR the purpose of requiring an employee or agent of a State or local correctional facility 5 and a law enforcement agent to detain a certain individual and transfer the 6 individual to federal immigration authorities under certain circumstances; 7 prohibiting the State, a unit of local government, a county sheriff, or any agency, 8 officer, employee, or agent of the State or a unit of local government from entering 9 into a certain immigration enforcement agreement; requiring the termination of an 10 existing immigration enforcement agreement on or before a certain date; and 11 generally relating to immigration enforcement.
- 12 BY adding to
- 13 Article Correctional Services
- 14 Section 9–309
- 15 Annotated Code of Maryland
- 16 (2017 Replacement Volume and 2024 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article Criminal Procedure
- 19 Section 5–104
- 20 Annotated Code of Maryland
- 21 (2018 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2 3 4 5	BY adding to Article – Criminal Procedure Section 5–104.1 Annotated Code of Maryland (2018 Replacement Volume and 2024 Supplement)							
6 7	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
8	Article - Correctional Services							
9	9–309.							
10	(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.							
12	(2) "COVERED INDIVIDUAL" MEANS AN INDIVIDUAL WHO:							
13	(I) IS NOT LAWFULLY PRESENT IN THE UNITED STATES; AND							
4	(II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE.							
15 16	(3) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THE CRIMINAL LAW ARTICLE.							
17 18	(B) IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES, AN EMPLOYEE OR AGENT OF A STATE OR LOCAL CORRECTIONAL FACILITY SHALL:							
19 20 21	(1) DETAIN A COVERED INDIVIDUAL FOR UP TO 48 HOURS IN ORDER TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES; AND							
22 23	(2) TRANSFER A COVERED INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES.							
24	Article – Criminal Procedure							
25	5–104.							
26	(a) (1) In this section the following words have the meanings indicated.							
27 28	(2) "Civil immigration violation" means a violation of federal civil immigration law.							

1 "Family member" means a relative by blood, adoption, or marriage. (3) 2 "Household member" means a person who lives with another or is a 3 regular presence in the home of another. 4 "Law enforcement agent" means an individual who is certified by (5)the Maryland Police Training and Standards Commission under § 3-209 of the Public 5 Safety Article. 6 7 "Law enforcement agent" does not include an agent or employee (ii) of a State correctional facility or a local correctional facility. 8 9 "Local correctional facility" has the meaning stated in § 1–101 of the Correctional Services Article. 10 "State correctional facility" has the meaning stated in § 1–101 of the 11 Correctional Services Article. 12 In this subsection, "arrest" does not include a routine booking (b) 13 (1) procedure. 14 15 (2)Except as provided in paragraphs (3) [and], (4), AND (5) of this 16 subsection, a law enforcement agent may not, during the performance of regular police 17 functions: 18 (i) inquire about an individual's citizenship, immigration status, or place of birth during a stop, a search, or an arrest; 19 20 (ii) detain, or prolong the detention of, an individual: 21the purpose of investigating the individual's 1. for 22citizenship or immigration status; or 23based on the suspicion that the individual has committed a civil immigration violation; 2425transfer an individual to federal immigration authorities unless (iii) 26 required by federal law; or 27 (iv) coerce, intimidate, or threaten any individual based on the actual or perceived citizenship or immigration status of the individual or: 28 29 the individual's family member; 1. 30 2. the individual's household member;

the individual's legal guardian; or

3.

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- 4. another individual for whom the individual is a legal 1 2 guardian. 3 (3)Nothing in this subsection shall prevent a law enforcement agent from inquiring about any information that is material to a criminal investigation. 4 5 If the citizenship or immigration status of an individual is relevant to a (4) 6 protection accorded to the individual under State or federal law, or subject to a requirement 7 imposed by international treaty, a law enforcement agent may: notify the individual of the protection or requirement; and 8 (i) 9 (ii) provide the individual an opportunity to voluntarily disclose the 10 individual's citizenship or immigration status for the purpose of receiving the protection or complying with the requirement. 11 12 IN THIS PARAGRAPH, "COVERED INDIVIDUAL" HAS THE **(5) (I)** MEANING STATED IN § 9-309 OF THE CORRECTIONAL SERVICES ARTICLE. 13 14 IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES, A (II)15 LAW ENFORCEMENT AGENT SHALL: 16 DETAIN A COVERED INDIVIDUAL FOR UP TO 48 HOURS 1. TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO FEDERAL IMMIGRATION 17 18 **AUTHORITIES; AND** 19 2. TRANSFER A COVERED INDIVIDUAL TO FEDERAL 20 IMMIGRATION AUTHORITIES. 215-104.1. 22IN THIS SECTION, "IMMIGRATION ENFORCEMENT AGREEMENT" (A) **(1)** 23MEANS A CONTRACT, AN AGREEMENT, AN INTERGOVERNMENTAL SERVICE 24AGREEMENT, OR A MEMORANDUM OF UNDERSTANDING WITH THE FEDERAL GOVERNMENT THAT AUTHORIZES THE STATE, A UNIT OF LOCAL GOVERNMENT, A 2526COUNTY SHERIFF, OR ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL GOVERNMENT TO ENFORCE CIVIL IMMIGRATION LAW. 27 28 **(2)** "IMMIGRATION ENFORCEMENT AGREEMENT" INCLUDES AN 29 AGREEMENT MADE IN ACCORDANCE WITH:
- 31 (II) 8 U.S.C. § 1357; OR

(I)

8 U.S.C. § 1103;

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1	(III)	ANY OTHER	FEDERAL	LAW

- 2 (B) THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR 3 ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL GOVERNMENT MAY NOT ENTER INTO AN IMMIGRATION ENFORCEMENT AGREEMENT.
- 5 (C) THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR
  6 ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL
  7 GOVERNMENT WITH AN EXISTING IMMIGRATION ENFORCEMENT AGREEMENT SHALL
  8 EXERCISE THE TERMINATION PROVISION CONTAINED IN THE IMMIGRATION
  9 ENFORCEMENT AGREEMENT NOT LATER THAN JULY 1, 2025.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2025.