

HOUSE BILL 1307

E4, E2, E5

5lr3156

By: **Delegates Chisholm, Arikan, Baker, Fisher, Grammer, Kipke, Mangione, M. Morgan, Nawrocki, Szeliga, and Wivell**
Introduced and read first time: February 7, 2025
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring a certain law enforcement agency, law enforcement agent,
4 and local detention facility, if requested by federal immigration authorities, to notify
5 federal immigration authorities about certain matters at a certain time and
6 cooperate with federal immigration authorities for a certain purpose under certain
7 circumstances; prohibiting the State, a unit of local government, a county sheriff, or
8 an agency of the State or a unit of local government from adopting, implementing, or
9 enforcing certain policies; and generally relating to cooperation with federal
10 immigration authorities.

11 BY repealing

12 Article – Criminal Procedure

13 Section 5–104

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2024 Supplement)

16 BY adding to

17 Article – Criminal Procedure

18 Section 5–104

19 Annotated Code of Maryland

20 (2018 Replacement Volume and 2024 Supplement)

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23 be repealed.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

5–104.

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

(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201 OF THE PUBLIC SAFETY ARTICLE.

(3) “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.

(B) IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES, A LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT AGENT, OR LOCAL DETENTION FACILITY SHALL:

(1) NOTIFY FEDERAL IMMIGRATION AUTHORITIES:

(I) THAT THE LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT AGENT, OR LOCAL DETENTION FACILITY HAS TAKEN CUSTODY OF AN INDIVIDUAL WHO IS THE SUBJECT OF AN OUTSTANDING CRIMINAL WARRANT; AND

(II) OF THE DETAILS OF THE CUSTODY, INCLUDING, IF APPLICABLE, INFORMATION REGARDING THE PLANNED RELEASE OF THE INDIVIDUAL;

(2) RETAIN CUSTODY OF ANY INDIVIDUAL WHO IS THE SUBJECT OF AN OUTSTANDING CRIMINAL WARRANT FOR UP TO 48 HOURS BEYOND THE PLANNED RELEASE OF THE INDIVIDUAL; AND

(3) COOPERATE WITH FEDERAL IMMIGRATION AUTHORITIES TO ARRANGE FOR THE TRANSFER OF ANY INDIVIDUAL WHO IS THE SUBJECT OF AN OUTSTANDING CRIMINAL WARRANT TO FEDERAL IMMIGRATION AUTHORITIES TO DETERMINE WHETHER THE INDIVIDUAL IS A PRIORITY FOR REMOVAL, CONSISTENT WITH THE ENFORCEMENT PRIORITIES OF THE DEPARTMENT OF HOMELAND SECURITY.

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

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

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