HOUSE BILL 1431

E4, P3, L6   5lr2189

By: **Delegates Charkoudian, Acevero, Addison, Allen, Amprey, Boafo, Cullison, Fair, Foley, Fraser–Hidalgo, Ivey, A. Johnson, D. Jones, Kaufman, Kerr, Lehman, J. Long, Martinez, McCaskill, Mireku–North, Palakovich Carr, Pasteur, Phillips, Roberson, Shetty, Simmons, Simpson, Spiegel, Stein, Stewart, Taveras, Taylor, Terrasa, Vogel, White Holland, Wilkins, Williams, Wims, Wolek, Woorman, and Young**
Introduced and read first time: February 7, 2025
Assigned to: Judiciary

A BILL ENTITLED

1   AN ACT concerning

2   **State and Local Agencies – Enforcement of Federal Immigration Law –**
3   **Restrictions on Access to Information**
4   **(Maryland Data Privacy Act)**

5   FOR the purpose of altering certain provisions of law to require a law enforcement agency
6   or a unit of State or local government to deny access to certain databases by certain
7   individuals seeking access for the purpose of enforcing federal immigration law,
8   under certain circumstances; requiring the Attorney General to enforce certain
9   provisions of this Act; providing that a State employee that violates certain
10   provisions of this Act is subject to certain discipline; and generally relating to access
11   to information held by law enforcement agencies and State and local agencies.

12   BY repealing and reenacting, without amendments,
13   Article – General Provisions
14   Section 4–320(g)(2) and 4–320.1
15   Annotated Code of Maryland
16   (2019 Replacement Volume and 2024 Supplement)

17   BY repealing and reenacting, with amendments,
18   Article – Public Safety
19   Section 3–529
20   Annotated Code of Maryland
21   (2022 Replacement Volume and 2024 Supplement)

22   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23   That the Laws of Maryland read as follows:

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
    [Brackets] indicate matter deleted from existing law.

1   **Article – General Provisions**

2   4–320.

3   (g)   (2)   A person receiving personal information under subsection (d), (e), or (f)
4   of this section may not disclose the personal information to a federal agent or federal agency
5   for the purpose of federal immigration enforcement unless the person is presented with a
6   valid warrant issued by a federal court or a court of this State.

7   4–320.1.

8   (a)   In this section, "facial recognition" means a biometric software application
9   that identifies or verifies a person by comparing and analyzing patterns based on a person's
10   facial contours.

11   (b)   (1)   Notwithstanding any other provision of this title, an officer, an
12   employee, an agent, or a contractor of the State or a political subdivision shall deny
13   inspection of the part of a public record that contains personal information or inspection of
14   a photograph of an individual by any federal agency seeking access for the purpose of
15   enforcing federal immigration law, unless the officer, employee, agent, or contractor is
16   provided with a valid warrant issued by a federal court or a court of this State.

17   (2)   Notwithstanding any other provision of this title, an officer, an
18   employee, an agent, or a contractor of the State or a political subdivision shall deny
19   inspection using a facial recognition search of a digital photographic image or actual stored
20   data of a digital photographic image by any federal agency seeking access for the purpose
21   of enforcing federal immigration law, unless the officer, employee, agent, or contractor is
22   provided with a valid warrant issued by a federal court or a court of this State.

23   (3)   On or before June 1, 2023, and each June 1 thereafter, the Motor
24   Vehicle Administration, the Department of State Police, and the Department of Public
25   Safety and Correctional Services shall, with respect to requests from federal agencies
26   seeking access for the purpose of federal immigration enforcement for personal information,
27   a photograph of an individual, or a facial recognition search, whether or not the request
28   was initiated through a State or local law enforcement agency, report to the General
29   Assembly, in accordance with § 2–1257 of the State Government Article, the following
30   information for the immediately preceding calendar year:

31   (i)   the number of requests received from any federal agency for
32   personal information, a photograph of an individual, or a facial recognition search;

33   (ii)   the number of requests received from any federal agency for
34   personal information, a photograph of an individual, or a facial recognition search for which
35   a valid warrant issued by a federal court or a court of this State was provided;

1   (iii)   the number and purpose of facial recognition searches completed
2   for any federal agency based on personal information or a photograph of an individual
3   provided to the federal agency by the Motor Vehicle Administration, the Department of
4   State Police, or the Department of Public Safety and Correctional Services; and

5   (iv)   the number of individuals whose personal information or
6   photograph was provided to any federal agency by, respectively, the Motor Vehicle
7   Administration, the Department of State Police, and the Department of Public Safety and
8   Correctional Services.

9   **Article – Public Safety**

10   3–529.

11   (a)   (1)   In this section the following words have the meanings indicated.

12   (2)   (i)   "Database" means any database operated by**:**

13   **1.**   State and local law enforcement agencies, including
14   databases maintained for a law enforcement agency by a private vendor**; OR**

15   **2.   A UNIT OF STATE OR LOCAL GOVERNMENT,**
16   **INCLUDING DATABASES MAINTAINED FOR A UNIT OF STATE GOVERNMENT BY A**
17   **PRIVATE VENDOR**.

18   (ii)   "Database" does not include a registry operated under Title 11,
19   Subtitle 7 of the Criminal Procedure Article.

20   (3)   (i)   "Law enforcement agency" means a federal, state, or local agency
21   authorized to enforce criminal laws.

22   (ii)   "Law enforcement agency" includes the Maryland Department of
23   Public Safety and Correctional Services.

24   (b)   **[**An entity**] A LAW ENFORCEMENT AGENCY OR A UNIT OF STATE OR**
25   **LOCAL GOVERNMENT** operating a database shall:

26   (1)   deny access to the database to any individual who is **OR APPEARS TO**
27   **BE** seeking access for the purpose of enforcing federal immigration law, unless the
28   individual presents a valid warrant issued by a federal court or a court of this State **AND**
29   **CLEARLY IDENTIFIES THE RECORD TO BE ACCESSED**; and

30   (2)   require an individual accessing the database to provide to the **[**entity**]**
31   **LAW ENFORCEMENT AGENCY OR THE UNIT OF STATE OR LOCAL GOVERNMENT**:

32   (i)   the individual's name;

1   (ii)   the individual's contact information, including a telephone
2 number, an e–mail address, and a physical address; and

3   (iii)   unless the individual presents a valid warrant issued by a federal
4 court or a court of this State **AND CLEARLY IDENTIFIES THE RECORD TO BE ACCESSED**,
5 a statement by the individual, under penalty of perjury, that the individual is not accessing
6 the database for the purpose of enforcing federal immigration law.

7   **(C)**   **EACH UNIT OF STATE GOVERNMENT SHALL:**

8   **(1)**   **MAINTAIN A RECORD OF EACH REQUEST BY AN INDIVIDUAL**
9 **SEEKING ACCESS TO A DATABASE, RECORD, OR INFORMATION AS DESCRIBED UNDER**
10 **THIS SECTION; AND**

11   **(2)**   **ON OR BEFORE DECEMBER 1, 2025, AND EACH YEAR**
12 **THEREAFTER, SUBMIT A REPORT TO THE ATTORNEY GENERAL AND, IN**
13 **ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
14 **ASSEMBLY ON:**

15   **(I)**   **THE NUMBER AND NATURE OF ACCESS REQUESTS**
16 **RECEIVED;**

17   **(II)**   **WHETHER THE REQUESTS WERE GRANTED OR DENIED; AND**

18   **(III)**   **ANY OTHER INFORMATION REQUIRED TO ENSURE**
19 **COMPLIANCE WITH THIS SECTION.**

20   **(D)**   **THE ATTORNEY GENERAL SHALL:**

21   **(1)**   **ENFORCE THE REQUIREMENTS OF THIS SECTION THROUGH ANY**
22 **MEANS NORMALLY AVAILABLE IN THE ENFORCEMENT OF CIVIL VIOLATIONS; AND**

23   **(2)**   **ESTABLISH A SYSTEM OF CIVIL PENALTIES NOT EXCEEDING**
24 **$1,000 PER VIOLATION OF THIS SECTION.**

25   **(E)**   **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A STATE**
26 **EMPLOYEE WHO VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINE, INCLUDING**
27 **TERMINATION FROM EMPLOYMENT.**

28   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2025.