

SENATE BILL 977

E4, P3, L6

5lr2318

By: **Senator Lam**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2025

CHAPTER _____

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 prohibiting a certain person in possession of certain data, information,
6 and records from sharing or otherwise making the data, information, and records
7 available under certain circumstances; altering the limitations on certain
8 prohibitions relating to the disclosure and inspection of certain public records under
9 the Public Information Act; altering certain provisions of law to require a law
10 enforcement agency or, a unit of State or local government to deny access to certain
11 databases, facilities, or buildings by certain individuals seeking access for the
12 purpose of enforcing federal immigration law, under certain circumstances;
13 ~~requiring the Attorney General to enforce certain provisions of this Act; providing~~
14 ~~that a State employee that violates certain provisions of this Act is subject to certain~~
15 ~~discipline; and generally relating to access to information held by law enforcement~~
16 ~~agencies and, State and local agencies~~ federal immigration law.

17 BY adding to
18 Article – Business Regulation
19 Section 1-211
20 Annotated Code of Maryland
21 (2024 Replacement Volume)

22 BY repealing and reenacting, ~~without~~ with amendments,
23 Article – General Provisions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 4–320(g)(2) and 4–320.1
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Public Safety
6 Section 3–529
7 Annotated Code of Maryland
8 (2022 Replacement Volume and 2024 Supplement)

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

11 **Article – Business Regulation**

12 **1–211.**

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

15 **(2) “COVERED RECORD” MEANS A COPY OF ANY DATA, INFORMATION,**
16 **OR RECORD THAT:**

17 **(I) WAS MADE BY A UNIT OR INSTRUMENTALITY OF STATE OR**
18 **LOCAL GOVERNMENT; AND**

19 **(II) CONTAINS PERSONAL INFORMATION.**

20 **(3) “PERSONAL INFORMATION” MEANS ANY INFORMATION THAT IS**
21 **LINKED OR CAN BE REASONABLY LINKED TO AN IDENTIFIED OR IDENTIFIABLE**
22 **INDIVIDUAL WHO RESIDES IN THE STATE.**

23 **(B) THIS SECTION DOES NOT APPLY TO THE INDIVIDUAL TO WHOM THE**
24 **PERSONAL INFORMATION IS LINKED OR CAN BE REASONABLY LINKED.**

25 **(C) A PERSON IN POSSESSION OF A COVERED RECORD MAY NOT SHARE OR**
26 **OTHERWISE MAKE AVAILABLE THE COVERED RECORD IN EXCHANGE FOR ANYTHING**
27 **OF VALUE OR FOR THE PURPOSE OF RESALE.**

28 **(D) A PERSON WHO OBTAINS A COVERED RECORD IN EXCHANGE FOR**
29 **ANYTHING OF VALUE MAY NOT SHARE OR OTHERWISE MAKE AVAILABLE THE**
30 **COVERED RECORD FOR THE PURPOSE OF IMMIGRATION ENFORCEMENT, UNLESS:**

31 **(1) THE PERSON IS PRESENTED WITH A VALID WARRANT ISSUED BY A**
32 **FEDERAL COURT OR A COURT OF THE STATE; OR**

1 **(2) THE COVERED RECORD IS OTHERWISE MADE AVAILABLE FOR**
2 **INSPECTION TO ALL MEMBERS OF THE GENERAL PUBLIC BY THE UNIT OR**
3 **INSTRUMENTALITY OF STATE OR LOCAL GOVERNMENT WHICH MADE THE COVERED**
4 **RECORD.**

5 Article – General Provisions

6 4–320.

7 (g) (2) A person receiving personal information under subsection (d), (e), or (f)
8 of this section may not disclose the personal information to ~~a federal agent or federal agency~~
9 **ANOTHER PERSON OR A GOVERNMENTAL ENTITY** for the purpose of federal immigration
10 enforcement unless the person **DISCLOSING THE PERSONAL INFORMATION** is presented
11 with a valid warrant issued by a federal court or a court of this State.

12 4–320.1.

13 (a) In this section, “facial recognition” means a biometric software application
14 that identifies or verifies a person by comparing and analyzing patterns based on a person’s
15 facial contours.

16 (b) (1) Notwithstanding any other provision of this title, an officer, an
17 employee, an agent, or a contractor of the State or a political subdivision shall deny
18 inspection of the part of a public record that contains personal information or inspection of
19 a photograph of an individual by any ~~federal agency~~ **PERSON OR GOVERNMENTAL**
20 **ENTITY** seeking access for the purpose of enforcing federal immigration law, unless the
21 officer, employee, agent, or contractor is provided with a valid warrant issued by a federal
22 court or a court of this State.

23 (2) Notwithstanding any other provision of this title, an officer, an
24 employee, an agent, or a contractor of the State or a political subdivision shall deny
25 inspection using a facial recognition search of a digital photographic image or actual stored
26 data of a digital photographic image by any ~~federal agency~~ **PERSON OR GOVERNMENTAL**
27 **ENTITY** seeking access for the purpose of enforcing federal immigration law, unless the
28 officer, employee, agent, or contractor is provided with a valid warrant issued by a federal
29 court or a court of this State.

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

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

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

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

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

14 Article – Public Safety

15 3–529.

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

17 (2) (i) “Database” means any database operated by:

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

20 2. **A UNIT OF STATE OR LOCAL GOVERNMENT,**
21 **INCLUDING DATABASES MAINTAINED FOR A UNIT OF STATE GOVERNMENT BY A**
22 **PRIVATE VENDOR.**

23 (ii) “Database” does not include a registry operated under Title 11,
24 Subtitle 7 of the Criminal Procedure Article.

25 (3) (i) “Law enforcement agency” means a federal, state, or local agency
26 authorized to enforce criminal laws.

27 (ii) “Law enforcement agency” includes the Maryland Department of
28 Public Safety and Correctional Services.

29 ~~(4) “SENSITIVE INFORMATION” INCLUDES PERSONAL INFORMATION~~
30 ~~ON INDIVIDUALS WHO ARE SERVED OR ENGAGED BY A GRANTEE, CONTRACTOR, OR~~
31 ~~CONSULTANT OF A UNIT OF STATE OR LOCAL GOVERNMENT.~~

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

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

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

9 (i) the individual's name;

10 (ii) the individual's contact information, including a telephone
11 number, an e-mail address, and a physical address; and

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

16 ~~(c) A LAW ENFORCEMENT AGENCY OR A UNIT OF STATE OR LOCAL~~
17 ~~GOVERNMENT OPERATING A BUILDING OR FACILITY SHALL:~~

18 ~~(1) DENY ACCESS TO THE BUILDING OR FACILITY TO ANY INDIVIDUAL~~
19 ~~WHO IS OR APPEARS TO BE SEEKING ACCESS FOR THE PURPOSE OF ENFORCING~~
20 ~~FEDERAL IMMIGRATION LAW, UNLESS THE INDIVIDUAL PRESENTS A VALID~~
21 ~~WARRANT ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE AND CLEARLY~~
22 ~~IDENTIFIES THE BUILDING OR FACILITY, OR RECORD OR INFORMATION WITHIN THE~~
23 ~~BUILDING OR FACILITY, TO BE ACCESSED; AND~~

24 ~~(2) REQUIRE AN INDIVIDUAL ACCESSING THE BUILDING OR FACILITY~~
25 ~~TO PROVIDE TO THE LAW ENFORCEMENT AGENCY OR THE UNIT OF STATE OR LOCAL~~
26 ~~GOVERNMENT:~~

27 ~~(I) THE INDIVIDUAL'S NAME;~~

28 ~~(II) THE INDIVIDUAL'S CONTACT INFORMATION, INCLUDING A~~
29 ~~TELEPHONE NUMBER, AN E-MAIL ADDRESS, AND A PHYSICAL ADDRESS; AND~~

30 ~~(III) UNLESS THE INDIVIDUAL PRESENTS A VALID WARRANT~~
31 ~~ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE AND CLEARLY IDENTIFIES~~
32 ~~THE BUILDING OR FACILITY, OR RECORD OR INFORMATION WITHIN THE BUILDING~~
33 ~~OR FACILITY, TO BE ACCESSED, A STATEMENT BY THE INDIVIDUAL, UNDER PENALTY~~
34 ~~OF PERJURY, THAT THE INDIVIDUAL IS NOT ACCESSING THE BUILDING, FACILITY,~~

1 ~~RECORD, OR INFORMATION FOR THE PURPOSE OF ENFORCING FEDERAL~~
 2 ~~IMMIGRATION LAW.~~

3 ~~(D) A LAW ENFORCEMENT AGENCY OR A UNIT OF STATE OR LOCAL~~
 4 ~~GOVERNMENT MAY NOT ENTER INTO A MEMORANDUM OF UNDERSTANDING OR~~
 5 ~~SIMILAR AGREEMENT THAT REQUIRES COLLABORATION OR INFORMATION SHARING~~
 6 ~~WITH A FEDERAL AGENCY FOR THE PURPOSE OF ENFORCING FEDERAL~~
 7 ~~IMMIGRATION LAW.~~

8 ~~(E)~~ (C) EACH UNIT OF STATE GOVERNMENT SHALL:

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

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

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

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

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

21 ~~(F) THE ATTORNEY GENERAL SHALL:~~

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

24 ~~(2) ESTABLISH A SYSTEM OF CIVIL PENALTIES NOT EXCEEDING~~
 25 ~~\$1,000 PER VIOLATION OF THIS SECTION.~~

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

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