

SENATE BILL 387

E5

5lr2627
CF HB 403

By: **Senator Folden**

Introduced and read first time: January 17, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Correctional Services – Transfers to Federal Authorities – Undocumented Immigrants (Protecting Marylanders From Violent Offenders Act of 2025)

FOR the purpose of requiring a certain State or local correctional facility, on request of the United States Department of Homeland Security, to transfer a certain undocumented immigrant to the United States Department of Homeland Security under certain circumstances; and generally relating to transfers of incarcerated individuals to federal authorities.

BY adding to

Article – Correctional Services

Section 9–309

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

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

Article – Correctional Services

9–309.

ON REQUEST OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, A STATE OR LOCAL CORRECTIONAL FACILITY WITH CUSTODY OF AN UNDOCUMENTED IMMIGRANT WHO IS SERVING A SENTENCE IN THE FACILITY FOR CONVICTION OF A CRIME SHALL TRANSFER THE INDIVIDUAL TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IF THE INDIVIDUAL:

(1) HAS ENGAGED IN OR IS SUSPECTED OF TERRORISM OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



ESPIONAGE, OR OTHERWISE POSES A DANGER TO NATIONAL SECURITY;

(2) HAS BEEN CONVICTED OF AN OFFENSE OF WHICH AN ELEMENT IS ACTIVE PARTICIPATION IN A CRIMINAL STREET GANG, AS DEFINED IN 18 U.S.C. § 521;

(3) IS AT LEAST 16 YEARS OLD AND INTENTIONALLY PARTICIPATED IN A CRIMINAL STREET GANG, AS DEFINED IN 18 U.S.C. § 521, TO FURTHER ILLEGAL ACTIVITIES; OR

(4) HAS BEEN CONVICTED OF AN AGGRAVATED FELONY, AS DEFINED IN 8 U.S.C. § 1101.

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