

UNOFFICIAL COPY OF SENATE BILL 977

SENATE BILL 977

E4, P3, L6

5lr2318

By: **Senator Lam**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

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, ~~facilities,~~
7 ~~or buildings~~ by certain individuals seeking access for the purpose of enforcing federal
8 immigration law, under certain circumstances; requiring the Attorney General to
9 enforce certain provisions of this Act; providing that a State employee that violates
10 certain provisions of this Act is subject to certain discipline; and generally relating
11 to access to information held by law enforcement agencies and State and local
12 agencies.

13 BY repealing and reenacting, without amendments,
14 Article - General Provisions
15 Section 4-320(g)(2) and 4-320.1
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2024 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Public Safety
20 Section 3-529
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2024 Supplement)

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

25 **Article - General Provisions**

26 4-320.

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

5 4-320.1.

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

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

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

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

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

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

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

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

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Article - Public Safety

6 3-529.

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

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

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

11 2. **A UNIT OF STATE OR LOCAL GOVERNMENT,**
 12 **INCLUDING DATABASES MAINTAINED FOR A UNIT OF STATE GOVERNMENT BY A**
 13 **PRIVATE VENDOR.**

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

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

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

20 ~~(4) "SENSITIVE INFORMATION" INCLUDES PERSONAL INFORMATION~~
 21 ~~ON INDIVIDUALS WHO ARE SERVED OR ENGAGED BY A GRANTEE, CONTRACTOR, OR~~
 22 ~~CONSULTANT OF A UNIT OF STATE OR LOCAL GOVERNMENT.~~

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

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

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

31 (i) the individual's name;

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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) A LAW ENFORCEMENT AGENCY OR A UNIT OF STATE OR LOCAL
8 GOVERNMENT OPERATING A BUILDING OR FACILITY SHALL:~~

9 ~~(1) DENY ACCESS TO THE BUILDING OR FACILITY TO ANY INDIVIDUAL
10 WHO IS OR APPEARS TO BE SEEKING ACCESS FOR THE PURPOSE OF ENFORCING
11 FEDERAL IMMIGRATION LAW, UNLESS THE INDIVIDUAL PRESENTS A VALID
12 WARRANT ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE AND CLEARLY
13 IDENTIFIES THE BUILDING OR FACILITY, OR RECORD OR INFORMATION WITHIN THE
14 BUILDING OR FACILITY, TO BE ACCESSED; AND~~

15 ~~(2) REQUIRE AN INDIVIDUAL ACCESSING THE BUILDING OR FACILITY
16 TO PROVIDE TO THE LAW ENFORCEMENT AGENCY OR THE UNIT OF STATE OR LOCAL
17 GOVERNMENT:~~

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

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

21 ~~(III) UNLESS THE INDIVIDUAL PRESENTS A VALID WARRANT
22 ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE AND CLEARLY IDENTIFIES
23 THE BUILDING OR FACILITY, OR RECORD OR INFORMATION WITHIN THE BUILDING
24 OR FACILITY, TO BE ACCESSED, A STATEMENT BY THE INDIVIDUAL, UNDER PENALTY
25 OF PERJURY, THAT THE INDIVIDUAL IS NOT ACCESSING THE BUILDING, FACILITY,
26 RECORD, OR INFORMATION FOR THE PURPOSE OF ENFORCING FEDERAL
27 IMMIGRATION LAW.~~

28 ~~(D) A LAW ENFORCEMENT AGENCY OR A UNIT OF STATE OR LOCAL
29 GOVERNMENT MAY NOT ENTER INTO A MEMORANDUM OF UNDERSTANDING OR
30 SIMILAR AGREEMENT THAT REQUIRES COLLABORATION OR INFORMATION SHARING
31 WITH A FEDERAL AGENCY FOR THE PURPOSE OF ENFORCING FEDERAL
32 IMMIGRATION LAW.~~

33 ~~(e) (C) EACH UNIT OF STATE GOVERNMENT SHALL:~~

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

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

8 (I) THE NUMBER AND NATURE OF ACCESS REQUESTS
9 RECEIVED;

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

11 (III) ANY OTHER INFORMATION REQUIRED TO ENSURE
12 COMPLIANCE WITH THIS SECTION.

13 ~~(D)~~ (D) THE ATTORNEY GENERAL SHALL:

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

16 (2) ESTABLISH A SYSTEM OF CIVIL PENALTIES NOT EXCEEDING
17 \$1,000 PER VIOLATION OF THIS SECTION.

18 ~~(E)~~ (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A STATE
19 EMPLOYEE WHO VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINE, INCLUDING
20 TERMINATION FROM EMPLOYMENT.

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