

SENATE BILL 608

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5lr3005
CF HB 579

By: **Senators Augustine and Smith**
Introduced and read first time: January 23, 2025
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – U Nonimmigrant Status Petitions**

3 FOR the purpose of altering the requirements for certification of a U Nonimmigrant Status
4 Petition; altering the individuals eligible to request a certain official to certify victim
5 helpfulness on a certain form relating to certification of a U Nonimmigrant Status
6 Petition; altering the criteria for determining whether a certain victim or the
victim's parent, guardian, or next friend shall be considered to be helpful, to have
been helpful, or likely to be helpful to the detection, investigation, prosecution,
conviction, or sentencing of certain criminal activities; altering the time periods
within which certifying entities shall certify or decline and requiring written reasons
for denying certification; adopting federal guidelines and definitions that provide
direction and promote consistency in Maryland certification practices; authorizing
disclosure of certain information under certain circumstances;
76 and generally relating to U Nonimmigrant Status petitions.

87 BY repealing and reenacting, with amendments,
98 Article – Criminal Procedure
109 Section 11–930 and 11–931
110 Annotated Code of Maryland
1211 (2018 Replacement Volume and 2024 Supplement)

1312 BY adding to
1413 Article – Criminal Procedure
1514 Section 11–932
1615 Annotated Code of Maryland
16 (2018 Replacement Volume and 2024 Supplement).

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~~1817~~ SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
~~1918~~ That the Laws of Maryland read as follows:

20 **Article – Criminal Procedure**

21 11–930.

22 (a) In this part the following words have the meanings indicated.

23 (b) “Certifying entity” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~[Brackets] or Cross-outs- Cross outs are deletions~~

~~[Brackets]~~ indicate matter deleted from existing law.

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(1) a State or local law enforcement agency;

(2) a State's Attorney or deputy or assistant State's Attorney;

(3) any other authority that has responsibility for the detection, investigation, or prosecution of a qualifying crime or criminal activity; or

(4) an agency that has criminal, **CIVIL, FAMILY, OR ADMINISTRATIVE** detection [or], investigative, **OR PROSECUTORIAL** jurisdiction in the agency's respective areas of expertise, including child protective services, **ADULT PROTECTIVE SERVICES**, the Commission on Civil Rights, and the Maryland Department of Labor.

(c) "Certifying official" means:

(1) the head of a certifying entity;

(2) an individual in a supervisory role who has been specifically designated by the head of a certifying entity to provide U Nonimmigrant Status certifications on behalf of that entity; or

(3) any other certifying official defined under Title 8, § 214.14(a)(3)(i) of the Code of Federal Regulations.

(d) **"FEDERAL U VISA GUIDELINES" MEANS FEDERAL STATUTES, REGULATIONS, POLICIES, PUBLICATIONS, GUIDANCE, AND INSTRUCTIONS RELATING TO U NONIMMIGRANT STATUS, INCLUDING 8 U.S.C. § 1101(A)(15)(U), 8 U.S.C. § 1184(O), 8 U.S.C. § 1367, 72 FED. REG. 53014 (SEPT. 17, 2007), 8 C.F.R. § 214.14, 8 C.F.R. SECTION 245.24, AND 8 U.S.C. § 1255(M)(1).**

(E) "Qualifying crime" includes a criminal offense for which the nature and elements of the offense are substantially similar to the criminal activity described in subsection [(e)] (F) of this section and the attempt, conspiracy, or solicitation to commit the offense.

[(e)] (F) "Qualifying criminal activity" means criminal activity under § 1101(a)(15)(U)(iii) of the United States Code **OR THAT IS DESCRIBED IN FEDERAL U VISA GUIDELINES.**

11-931.

(a) (1) For purposes of filing a petition with the United States Citizenship and Immigration Services for U Nonimmigrant Status, a victim or the victim's parent, guardian, [or] next friend, **ATTORNEY, VICTIM ADVOCATE, OR OTHER REPRESENTATIVE** may request a certifying official of a certifying entity to certify victim helpfulness on a Form I-918, Supplement B certification if the victim:

1 [(1) (I) was a victim of a qualifying criminal activity and has been
 2 helpful, **IS BEING HELPFUL, OR IS LIKELY TO BE HELPFUL** ~~[to the certifying entity]~~ in
 3 the detection, investigation, ~~or~~ prosecution, **CONVICTION, OR SENTENCING**
~~INCLUDING SENTENCING~~, of that qualifying
 43 criminal activity;

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54 [(2) (II) was under the age of 16 years on the date that an act that
 65 constitutes an element of qualifying criminal activity first occurred and the victim's parent,
 76 guardian, or next friend has been helpful to the certifying entity in the detection,
 87 investigation, ~~or~~ prosecution, **CONVICTION, OR SENTENCING**~~INCLUDING~~
~~SENTENCING~~, of that qualifying criminal
 98 activity; or

109 [(3) (III) is incapacitated or incompetent and the victim's parent,
 110 guardian, or next friend has been helpful to the certifying entity in the detection,
 121 investigation, or prosecution, **CONVICTION, OR SENTENCING** ~~INCLUDING~~
~~SENTENCING~~, of that qualifying criminal
 1312 activity.

1413 (2) (I) A VICTIM OF A QUALIFYING CRIME OR A QUALIFYING
 1514 CRIMINAL ACTIVITY IS ELIGIBLE FOR CERTIFICATION.

1615 (II) IF A VICTIM IS APPLYING FOR CERTIFICATION AS A RESULT
 1716 OF BEING A VICTIM OF MORE THAN ONE QUALIFYING CRIME OR QUALIFYING
 1817 CRIMINAL ACTIVITY, EACH QUALIFYING CRIME AND QUALIFYING CRIMINAL
 1918 ACTIVITY SHALL BE LISTED ON THE CERTIFICATION.

2019 (b) FOR PURPOSES OF DETERMINING HELPFULNESS FOR A REQUEST FOR
 2120 CERTIFICATION UNDER SUBSECTION (aA) OF THIS SECTION, AN INDIVIDUAL SHALL
 2221 BE CONSIDERED HELPFUL IF **CONSIDERING THE TOTALITY OF THE**
CIRCUMSTANCES, SINCE THE INITIATION OF HELPFULNESS, THE VICTIM, OR
THE VICTIM'S PARENT, GUARIDAN, OR NEXT FRIEND INDIVIDUAL HAS NOT
 UNREASONABLY REFUSED TO COOPERATE OR **UNREASONABLY FAILED TO**
 PROVIDE INFORMATION AND ASSISTANCE REASONABLY REQUESTED BY A
 CERTIFYING ENTITY.

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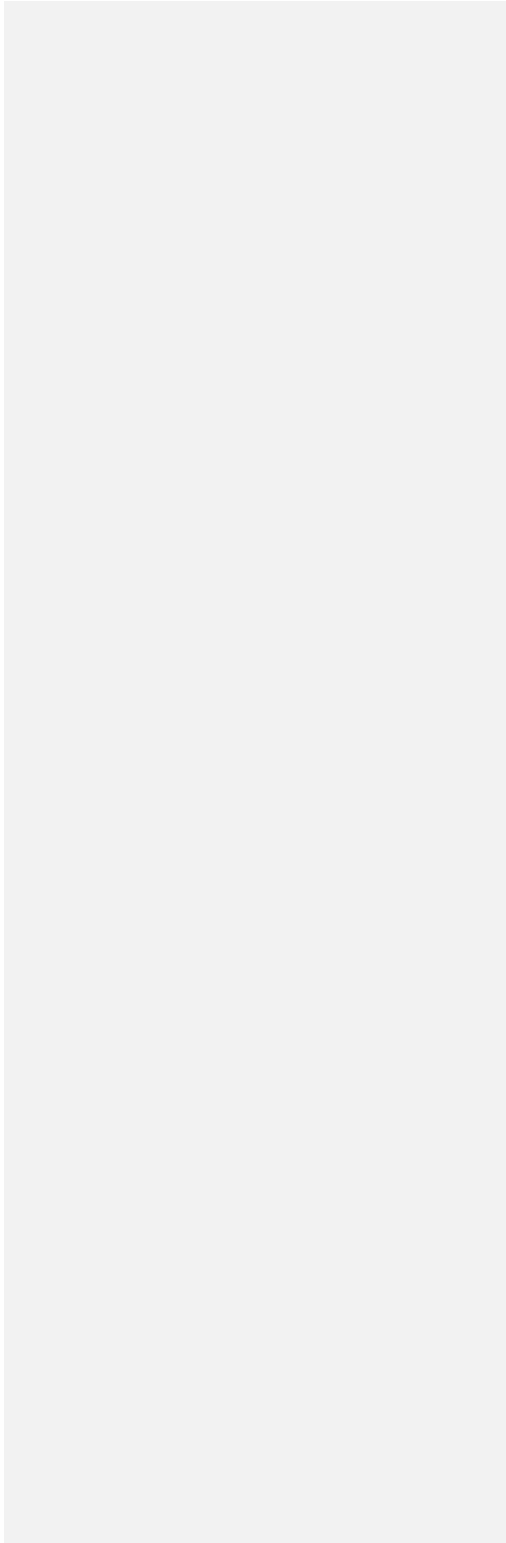
23 ~~(C) For purposes of determining helpfulness under subsection (a) of this section;~~
 24 ~~if the victim or the victim's parent, guardian, or next friend is assisting, has~~
~~assisted, or is~~
 25 ~~likely to assist law enforcement authorities in the detection, investigation, or~~
~~prosecution~~
 26 ~~of qualifying criminal activity, the victim or the victim's parent, guardian, or next~~
~~friend~~
 27 ~~shall be considered to be helpful, to have been helpful, or likely to be helpful.~~

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2822 [(c) ~~(D)~~ If the victim or the victim's parent, guardian, or next friend satisfies
 2923 the criteria specified under subsection (a) of this section, the certifying official shall fully

~~3024~~ complete and sign the Form I-918, Supplement B certification and, with respect to victim ~~3125~~ helpfulness, include:

~~3226~~ _____(1) specific details about the nature of the crime **DETECTED**, investigated ~~3327~~ ~~or~~, prosecuted, **CONVICTED, OR SENTENCED**;



1 (2) a detailed description of the victim's **PAST OR PRESENT** helpfulness or
2 likely helpfulness ~~INte~~ the detection, investigation, ~~or~~ prosecution,
3 **CONVICTION, OR SENTENCING — INCLUDING**
4 **SENTENCING**, of the criminal activity; and

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5 (3) copies of any documents in the possession of the certifying official that
6 evince the harm endured by the victim due to the criminal activity.

7 (d) (1) Except as provided in paragraph (2) of this subsection, the
8 certifying entity shall certify or decline certification of the Form I-918, Supplement B
9 certification within ~~90~~ **30** days after receiving a request under subsection (a) of this
10 section.

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11 (2) If a noncitizen victim is the subject of removal, exclusion, or deportation
12 proceedings or subject to a final order of removal, exclusion, or deportation, the certifying
13 entity shall certify or decline certification of the Form I-918, Supplement B certification
14 within ~~14~~ **7** days after receiving a request under subsection (a) of this section.

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15 (e) (f) A current investigation, the filing of charges, a prosecution, or a
16 conviction is not required for a victim or the victim's parent, guardian, [or] next friend,
17 **ATTORNEY, VICTIM ADVOCATE, OR OTHER REPRESENTATIVE** to request and obtain the
18 Form I-918, Supplement B certification under this section.

19 (f) ~~(g)~~ **THERE IS NO STATUTE OF LIMITATIONS FOR WHEN A QUALIFYING**
20 **CRIMINAL ACTIVITY OCCURRED RELATIVE TO THE REQUEST FOR CERTIFICATION OF**
21 **VICTIM HELPFULNESS UNDER THIS SECTION.**

22 (g) ~~(h)~~ **IF THE CERTIFYING OFFICIAL CANNOT DETERMINE WHETHER THE**
23 **APPLICANT IS A VICTIM OF A QUALIFYING CRIMINAL ACTIVITY OR DETERMINES**
24 **THAT THE APPLICANT DOES NOT QUALIFY FOR CERTIFICATION, THE CERTIFYING**
25 **OFFICIAL SHALL PROVIDE A WRITTEN EXPLANATION TO THE VICTIM OR THE**
26 **VICTIM'S PARENT, GUARDIAN, NEXT FRIEND, ATTORNEY, VICTIM ADVOCATE, OR**
27 **OTHER REPRESENTATIVE SETTING FORTH REASONS WHY THE AVAILABLE EVIDENCE**
28 **DOES NOT SUPPORT ISSUANCE OF THE CERTIFICATION.**

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29 (h) (i) A certifying official may **DENY OR** withdraw the certification provided
30 under this section only ~~[on refusal to provide information and assistance when reasonably~~
31 ~~requested of:~~

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32 (1) the victim; or
33 (2) the victim's parent, guardian, or next friend if the victim was under the
34 age of 16 years on the date that an act that constitutes an element of qualifying criminal
35 activity first occurred or if the victim is incapacitated or incompetent] **IF, AFTER**
36 **CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, THE PERSON PROVIDING**
37 **THE HELPFULNESS UNDER SUBSECTION (a) and (b) OF THIS SECTION**
38 **UNREASONABLY REFUSED TO COOPERATE OR UNREASONABLY FAILED TO PROVIDE**
39 **INFORMATION OR ASSISTANCE**

1 REASONABLY REQUESTED BY A CERTIFYING OFFICIAL.

2 ~~(i)(j)~~ (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
3 CERTIFYING OFFICIAL'S COMPLETION OF A CERTIFICATION FORM MAY NOT BE
4 CONSIDERED SUFFICIENT EVIDENCE THAT AN APPLICANT FOR A U OR A T VISA HAS
5 MET ALL ELIGIBILITY REQUIREMENTS FOR THAT VISA, AND COMPLETION OF A
6 CERTIFICATION FORM BY A CERTIFYING OFFICIAL MAY NOT BE CONSTRUED TO
7 GUARANTEE THAT THE VICTIM WILL RECEIVE IMMIGRATION RELIEF UNDER
8 FEDERAL LAW.

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9 (2) COMPLETION OF A CERTIFICATION FORM BY A CERTIFYING
10 OFFICIAL ONLY SERVES AS VERIFICATION OF THE FACTUAL INFORMATION
11 RELEVANT FOR A FEDERAL IMMIGRATION OFFICIAL TO DETERMINE ELIGIBILITY
12 FOR A U OR A T VISA.

13 (3) BY COMPLETING A CERTIFICATION FORM, THE CERTIFYING
14 OFFICIAL ATTESTS THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF
15 THE CERTIFYING OFFICIAL'S KNOWLEDGE.

16 (4) THIS SECTION DOES NOT LIMIT THE MANNER IN WHICH A
17 CERTIFYING OFFICIAL OR CERTIFYING AGENCY MAY:

18 (I) DESCRIBE WHETHER THE PERSON HAS BEEN HELPFUL TO
19 THE CERTIFYING ENTITY; OR

20 (II) PROVIDE ANY ADDITIONAL INFORMATION THE CERTIFYING
21 OFFICIAL OR CERTIFYING ENTITY BELIEVES MIGHT BE RELEVANT TO THE
22 ADJUDICATION OF A U OR A T VISA APPLICATION.

~~22 (j) CERTIFYING ENTITY SHALL DEVELOP PROTOCOLS TO
ASSIST PETITIONERS WHO HAVE LIMITED ENGLISH PROFICIENCY
TO PROCEED UNDER THIS SECTION.~~

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~~23 (g) A certifying entity may disclose information relating to a victim who is seeking
24 or has obtained U Nonimmigrant Status only.~~

~~25 (1) in order to comply with federal law, court order, or a discovery
26 obligation in the prosecution of a criminal offense; or~~

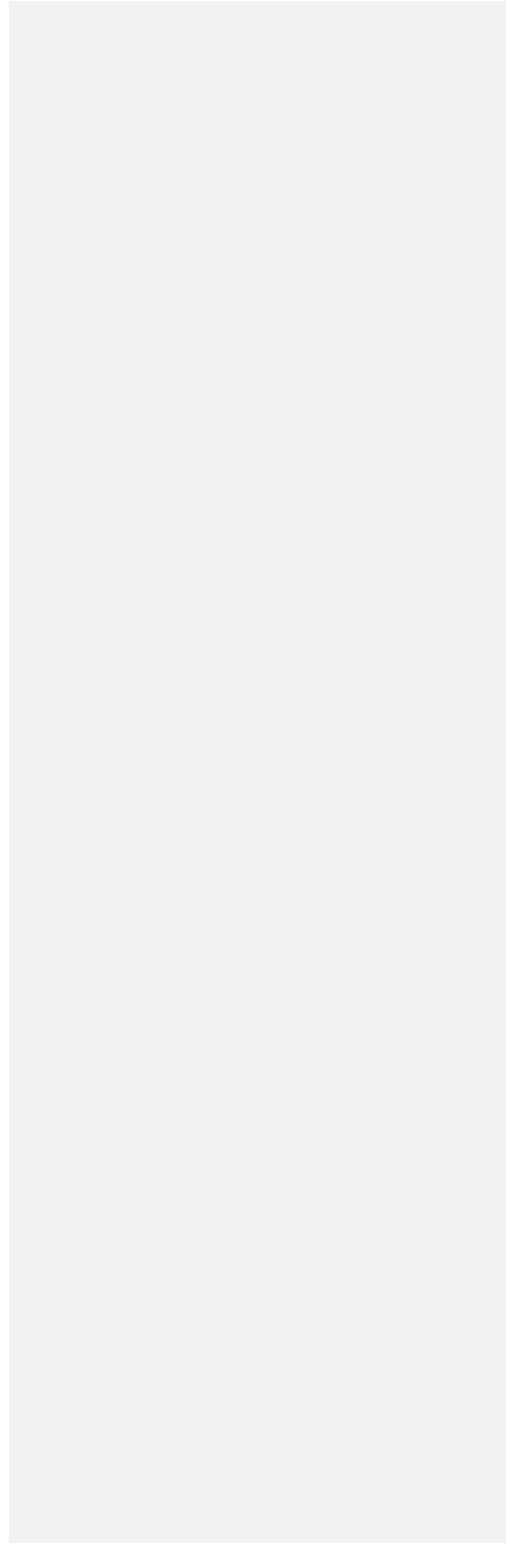
~~27 (2) after adult petitioners for U Nonimmigrant Status or adult U
28 Nonimmigrant Status holders have provided written consent for the disclosure of the
29 information.~~

~~30 (h) (1) Except in cases of willful or wanton misconduct, a certifying entity or
31 certifying official who acts or fails to act in good faith in compliance with this section has
32 the immunity from liability described under § 5-643 of the Courts Article.~~

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~~33 (2) A person who brings an action to seek enforcement of this section may
34 not be awarded attorney's fees or costs unless the action demonstrates willful or wanton~~



~~1 misconduct by a certifying entity or certifying official.]~~

~~21~~ 11-932.

~~32~~ (A) A CERTIFYING ENTITY OR A CERTIFYING OFFICIAL MAY DISCLOSE
~~43~~ INFORMATION RELATING TO A VICTIM WHO IS SEEKING CERTIFICATION, OR WHO IS
~~54~~ SEEKING OR HAS OBTAINED U NONIMMIGRANT STATUS ONLY:

~~65~~ (1) TO COMPLY WITH FEDERAL LAW, A COURT ORDER, OR A
~~76~~ DISCOVERY OBLIGATION IN THE PROSECUTION OF A CRIMINAL OFFENSE; OR

~~87~~ (2) IF APPLICABLE, AFTER THE VICTIM HAS WAIVED
~~98~~ CONFIDENTIALITY PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT
~~109~~ UNDER 34 U.S.C. § 12291(B)(2).

~~110~~ (B) THIS SECTION MAY NOT BE CONSTRUED TO ALTER OR DIMINISH THE
~~1211~~ DUTIES AND REQUIREMENTS OF A LAW ENFORCEMENT OFFICER, A STATE'S
~~1312~~ ATTORNEY, OR THE ATTORNEY GENERAL FROM DISCLOSING EXCULPATORY
~~1413~~ INFORMATION TO A DEFENDANT IN A CRIMINAL CASE.

~~1514~~ SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2025.