



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

**BILL:** SENATE BILL 791

**POSITION:** LETTER OF INFORMATION

STATE OF MARYLAND

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GOVERNOR

ARUNA MILLER  
LT. GOVERNOR

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OLUWATOYIN BAKARE  
ACTING DEPUTY SECRETARY  
ADMINISTRATION

DAVID GREENE  
DEPUTY SECRETARY  
OPERATIONS

ANGELINA GUARINO  
ASSISTANT SECRETARY  
DATA, POLICY AND GRANTS

RENARD BROOKS

**EXPLANATION:** Senate Bill 791 prohibits an employee of a correctional facility from inquiring about an individual's citizenship or place of birth; detain or prolong an individual's detention for purposes of inquiring about citizenship or immigration status unless presented with a valid court order or judicial warrant; transfer an individual to federal immigration authorities unless presented with a valid judicial warrant; or notify federal immigration authorities that an individual is in custody unless required by a valid court order or judicial warrant.

- The Department of Public Safety and Correctional Services' (Department) Division of Correction operates 13 State correctional facilities housing individuals sentenced to periods of incarceration for 18 months and longer. The Department also oversees five facilities located in Baltimore City that house pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
- Correctional Services Article 9-601.1 requires the Commissioner of Correction to initiate the process for identification cards and other vital documents for incarcerated individual before release from confinement in a State correctional facility.
- Additionally, the Commissioner of Correction is required to initiate the process of obtaining the birth certificate of the incarcerated individual.
- As part of the intake process, all incarcerated individuals are fingerprinted which are electronically submitted through the Maryland Criminal Justice Information System (CJIS) to the Federal National Crime Information Center (NCIC). The NCIC database is the central repository for all fingerprint information as well as criminal history, sex offender registration, warrants, missing people, and stolen property.
- This is a necessary step in the process to determine if there are outstanding criminal and state civil warrants on the incarcerated individual. The fingerprint cards require a known "Place of Birth".

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests this Committee consider this information as it deliberates on Senate Bill 791.