

HOUSE BILL 1165

P1, E2, L1

9lr2609
CF SB 718

By: **Delegates Atterbeary, Acevero, Carr, Cullison, W. Fisher, Hill, Ivey, Kelly, R. Lewis, Moon, Mosby, Palakovich Carr, Pena–Melnyk, Shetty, and K. Young**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **State Government – Government Agents – Requests for and Use of Immigration**
3 **Status Information**

4 FOR the purpose of prohibiting, except under certain circumstances, a government agent
5 from requesting information about the immigration or citizenship status of a person
6 or a person’s family members or acquaintances; prohibiting a government agent from
7 coercing information or action from a person by using certain information related to
8 immigration; prohibiting a government agent from detaining or questioning a person
9 based on a certain immigration or citizenship status of the person or any other
10 person; authorizing a certain person to use a certain legal remedy and recover certain
11 fees and costs under certain circumstances; defining the term “government agent”;
12 providing for the scope of this Act; and generally relating to requests for and the use
13 of immigration status information by government agents.

14 BY adding to
15 Article – State Government
16 Section 10–1701 to be under the new subtitle “Subtitle 17. Immigration Status
17 Information”
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2018 Supplement)

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

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 Article – State Government

2 SUBTITLE 17. IMMIGRATION STATUS INFORMATION.

3 10-1701.

4 (A) ~~(1)~~ IN THIS SECTION, “GOVERNMENT AGENT” MEANS AN AGENT OR
5 EMPLOYEE OF THE STATE, A COUNTY, OR A MUNICIPALITY.

6 ~~(2)~~ “GOVERNMENT AGENT” INCLUDES:

7 ~~(I) AN AGENT OR EMPLOYEE OF A PUBLIC PRIMARY SCHOOL, A
8 PUBLIC SECONDARY SCHOOL, OR A PUBLIC INSTITUTION OF HIGHER EDUCATION,
9 INCLUDING AN AGENT OR EMPLOYEE OF A POLICE OR SECURITY DEPARTMENT OF
10 THE FACILITY;~~

11 ~~(II) A LAW ENFORCEMENT OFFICER, AS DEFINED IN §
12 3-101 OF THE PUBLIC SAFETY ARTICLE;~~

13 ~~(III) AN AGENT OR EMPLOYEE OF A STATE OR LOCAL LAW
14 ENFORCEMENT AGENCY;~~

15 ~~(IV) AN AGENT OR EMPLOYEE OF A COURT;~~

16 ~~(V) AN AGENT OR EMPLOYEE OF A STATE CORRECTIONAL
17 FACILITY OR LOCAL CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE
18 CORRECTIONAL SERVICES ARTICLE;~~

19 ~~(VI) AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF
20 JUVENILE SERVICES;~~

21 ~~(VII) AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF HUMAN
22 SERVICES;~~

23 ~~(VIII) AN AGENT OR EMPLOYEE OF A PROSECUTOR, AS DEFINED IN
24 § 9-123 OF THE COURTS ARTICLE; AND~~

25 ~~(IX) AN AGENT OR EMPLOYEE OF A HOSPITAL;~~

26 (B) (1) THIS SECTION DOES NOT PRECLUDE:

27 (I) QUESTIONING BY A GOVERNMENT AGENT FOR PURPOSES OF
28 CONSULAR NOTIFICATION;

1 **(II) A LAW ENFORCEMENT OFFICER FROM REQUESTING A**
2 **FOREIGN DRIVER'S LICENSE FROM A PERSON WHEN PRESENTED WITH AN**
3 **INTERNATIONAL DRIVER'S LICENSE; OR**

4 **(III) AN INQUIRY BY A JUDGE WHEN THE INQUIRY IS RELEVANT**
5 **TO A DETERMINATION ON THE MERITS IN A LEGAL PROCEEDING.**

6 **(2) THIS SECTION DOES NOT APPLY TO A GOVERNMENT AGENT WHO**
7 **IS ACTING IN AN OFFICIAL CAPACITY AS AGENT OR EMPLOYEE OF:**

8 **(I) A STATE CORRECTIONAL FACILITY; OR**

9 **(II) A COUNTY OR MUNICIPALITY THAT PARTICIPATES WITH THE**
10 **FEDERAL GOVERNMENT IN THE PROGRAM UNDER § 287(G) OF THE IMMIGRATION**
11 **AND NATIONALITY ACT.**

12 ~~**(B)**~~ **(C)** **UNLESS REQUIRED BY LAW, A GOVERNMENT AGENT MAY NOT**
13 **REQUEST INFORMATION ABOUT THE IMMIGRATION OR CITIZENSHIP STATUS OF:**

14 **(1) A PERSON; OR**

15 **(2) A PERSON'S FAMILY MEMBERS OR ACQUAINTANCES.**

16 ~~**(D)**~~ **(D)** **A GOVERNMENT AGENT MAY NOT COERCE INFORMATION OR ACTION**
17 **FROM A PERSON BY USING:**

18 **(1) THE ACTUAL OR PRESUMED IMMIGRATION OR CITIZENSHIP**
19 **STATUS OF THE PERSON; OR**

20 **(2) INFORMATION ABOUT POTENTIAL IMMIGRATION CONSEQUENCES.**

21 **(E) A GOVERNMENT AGENT MAY NOT DETAIN OR QUESTION A PERSON**
22 **BASED ON THE ACTUAL OR PRESUMED IMMIGRATION OR CITIZENSHIP STATUS OF**
23 **THE PERSON OR ANY OTHER PERSON.**

24 ~~**(F)**~~ **(F)** **IF A GOVERNMENT AGENT VIOLATES THIS SECTION, A PERSON**
25 **AGGRIEVED BY THE ACTION MAY:**

26 **(1) SEEK REDRESS BY MEANS OF ANY APPROPRIATE LEGAL REMEDY;**
27 **AND**

28 **(2) RECOVER COURT COSTS AND REASONABLE ATTORNEY'S FEES.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2019.