

# HOUSE BILL 1411

E4

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By: **Delegates Szeliga, Adams, Arentz, Arikan, Beitzel, Boteler, Buckel, Chisholm, Ciliberti, Clark, Corderman, Cox, M. Fisher, Ghrist, Grammer, Griffith, Hartman, Hornberger, Howard, Jacobs, Kipke, Krebs, Long, Malone, Mangione, Mautz, McComas, McKay, Metzgar, Miller, Morgan, Otto, Parrott, Reilly, Rose, Saab, Shoemaker, and Wivell**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Transfers to Federal Authorities – Undocumented**  
3 **Immigrants**  
4 **(Protecting Marylanders From Violent Crime Act of 2020)**

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

10 BY adding to  
11 Article – Correctional Services  
12 Section 9–309  
13 Annotated Code of Maryland  
14 (2017 Replacement Volume and 2019 Supplement)

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

17 **Article – Correctional Services**

18 **9–309.**

19 **ON REQUEST OF THE UNITED STATES DEPARTMENT OF HOMELAND**  
20 **SECURITY, A STATE OR LOCAL CORRECTIONAL FACILITY WITH CUSTODY OF AN**  
21 **UNDOCUMENTED IMMIGRANT WHO IS SERVING A SENTENCE IN THE FACILITY FOR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 CONVICTION OF A CRIME SHALL TRANSFER THE INDIVIDUAL TO THE UNITED  
2 STATES DEPARTMENT OF HOMELAND SECURITY IF THE INDIVIDUAL:

3 (1) HAS ENGAGED IN OR IS SUSPECTED OF TERRORISM OR  
4 ESPIONAGE, OR OTHERWISE POSES A DANGER TO NATIONAL SECURITY;

5 (2) HAS BEEN CONVICTED OF AN OFFENSE OF WHICH AN ELEMENT IS  
6 ACTIVE PARTICIPATION IN A CRIMINAL STREET GANG, AS DEFINED IN 18 U.S.C. §  
7 521;

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2020.