

# SENATE BILL 197

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SB 830/17 – JPR

0lr1016

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By: **Senators Hough, Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Jennings, Ready, Reilly, Salling, Serafini, Simonaire, and West**  
Introduced and read first time: January 16, 2020  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Facilities – Individuals Subject to Immigration Detainer –**  
3 **Homeland Security Notification**

4 FOR the purpose of authorizing a State or local correctional facility that is notified by the  
5 United States Department of Homeland Security that a certain individual is subject  
6 to an immigration detainer to provide a certain notice to the Department; requiring  
7 a State or local correctional facility that is notified by the Department that a certain  
8 individual is subject to an immigration detainer to provide a certain notice to the  
9 Department if the individual is charged with or convicted of certain violations of  
10 criminal law; authorizing a State or local correctional facility to maintain custody of  
11 a certain individual for a certain period of time for a certain purpose if the individual  
12 is subject to a warrant issued by a court of competent jurisdiction; and generally  
13 relating to State and local correctional facilities.

14 BY adding to  
15 Article – Correctional Services  
16 Section 9–617  
17 Annotated Code of Maryland  
18 (2017 Replacement Volume and 2019 Supplement)

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

21 **Article – Correctional Services**

22 **9–617.**

23 **(A) A STATE OR LOCAL CORRECTIONAL FACILITY THAT IS NOTIFIED BY THE**  
24 **UNITED STATES DEPARTMENT OF HOMELAND SECURITY THAT AN INDIVIDUAL**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 UNDER THE CONTROL OF THE FACILITY IS SUBJECT TO AN IMMIGRATION DETAINER:

2 (1) SHALL PROVIDE NOTICE TO THE UNITED STATES DEPARTMENT  
3 OF HOMELAND SECURITY AT LEAST 72 HOURS BEFORE THE INDIVIDUAL IS  
4 RELEASED FROM THE FACILITY IF THE INDIVIDUAL IS CHARGED WITH OR  
5 CONVICTED OF:

6 (I) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE  
7 CRIMINAL LAW ARTICLE; OR

8 (II) A VIOLATION OF TITLE 9, SUBTITLE 8 OF THE CRIMINAL  
9 LAW ARTICLE; AND

10 (2) SUBJECT TO ITEM (1) OF THIS SUBSECTION, MAY PROVIDE NOTICE  
11 TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AT LEAST 72  
12 HOURS BEFORE THE INDIVIDUAL IS RELEASED FROM THE FACILITY.

13 (B) IF AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS  
14 SUBJECT TO A WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION, A  
15 STATE OR LOCAL CORRECTIONAL FACILITY MAY MAINTAIN CUSTODY OF THE  
16 INDIVIDUAL FOR A PERIOD NOT TO EXCEED 48 HOURS AFTER THE TIME THE  
17 INDIVIDUAL WOULD HAVE OTHERWISE BEEN RELEASED FROM THE CONTROL OF THE  
18 FACILITY TO ALLOW THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
19 TO ASSUME CUSTODY OF THE INDIVIDUAL.

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