

# HOUSE BILL 756

E5  
HB 1411/20 – JUD

2lr1482

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By: **Delegates Szeliga, Adams, Arikan, Boteler, Buckel, Chisholm, Kittleman, Mangione, McComas, Morgan, Reilly, Rose, Saab, Shoemaker, and Thiam**  
Introduced and read first time: February 3, 2022  
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 2022)**

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 2021 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**  
22 **CONVICTION OF A CRIME SHALL TRANSFER THE INDIVIDUAL TO THE UNITED**  
23 **STATES DEPARTMENT OF HOMELAND SECURITY IF THE INDIVIDUAL:**

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



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

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

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

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

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2022.