

HOUSE BILL 579

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5lr1947
CF SB 608

By: Delegates Embry, Solomon, Wilkins, Feldmark, Kaufman, R. Lewis, Palakovich Carr, Pasteur, and Taveras ~~Taveras~~ Taveras, Moon, Phillips, Simmons, and Stinnett

Introduced and read first time: January 23, 2025
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 6, 2025

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – U Nonimmigrant Status Petitions and Immigration**
3 **Enforcement at Sensitive Locations**

4 FOR the purpose of requiring federal law enforcement officers to notify certain individuals
5 of federal immigration action at certain sensitive locations; altering the
6 requirements for certification of a U Nonimmigrant Status Petition; altering the
7 individuals eligible to request a certain official to certify victim helpfulness on a
8 certain form relating to certification of a U Nonimmigrant Status Petition; altering
9 the time periods within which a certain certifying entity shall certify or decline a
10 certain form under certain circumstances; requiring a certifying entity to develop
11 protocols to assist certain petitioners to take certain actions; authorizing disclosure
12 of certain information under certain circumstances; requiring the Attorney General
13 to develop and publish certain guidance relating to federal immigration enforcement
14 actions at certain sensitive locations; authorizing the Attorney General to develop
15 and publish certain guidance for nonpublic facilities relating to federal immigration
16 enforcement actions at sensitive locations; and generally relating to U
17 Nonimmigrant Status petitions and immigration enforcement at sensitive locations.

18 BY repealing and reenacting, without amendments,
19 Article – Criminal Procedure
20 Section 2–104(a)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2024 Supplement)

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 BY repealing and reenacting, with amendments,
 2 Article – Criminal Procedure
 3 Section 2–104(c), 11–930, and 11–931
 4 Annotated Code of Maryland
 5 (2018 Replacement Volume and 2024 Supplement)

6 BY adding to
 7 Article – Criminal Procedure
 8 Section 11–932
 9 Annotated Code of Maryland
 10 (2018 Replacement Volume and 2024 Supplement)

11 BY adding to
 12 Article – State Government
 13 Section 6–111
 14 Annotated Code of Maryland
 15 (2021 Replacement Volume and 2024 Supplement)

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

18 **Article – Criminal Procedure**

19 2–104.

20 (a) In this section, “federal law enforcement officer” means an officer who may:

21 (1) make an arrest with or without a warrant for violations of the United
 22 States Code; and

23 (2) carry firearms in the performance of the officer’s duties.

24 (c) (1) A federal law enforcement officer who acts under the authority granted
 25 by this section shall notify the following persons of an investigation [or], AN enforcement
 26 action, OR A FEDERAL IMMIGRATION ENFORCEMENT ACTION AT A SENSITIVE
 27 LOCATION AS DEFINED IN § 6–111 OF THE STATE GOVERNMENT ARTICLE:

28 (i) 1. the chief of police, if any, or chief’s designee, when in a
 29 municipal corporation;

30 2. the police commissioner or police commissioner’s designee,
 31 when in Baltimore City;

32 3. the chief of police or chief’s designee, when in a county
 33 with a county police department, except Baltimore City;

1 4. the sheriff or sheriff's designee, when in a county without
2 a county police department;

3 5. the Secretary of Natural Resources or Secretary's
4 designee, when on property owned, leased, operated by, or under the control of the
5 Department of Natural Resources; or

6 6. the chief of police of the Maryland Transportation
7 Authority or chief's designee, when on property owned, leased, operated by, or under the
8 control of the Maryland Transportation Authority, Maryland Aviation Administration, or
9 Maryland Port Administration; and

10 (ii) the Department of State Police barrack commander or
11 commander's designee, unless there is an agreement otherwise with the Department of
12 State Police.

13 (2) When the federal law enforcement officer participates in a joint
14 investigation with officials from a State or local law enforcement unit, the federal law
15 enforcement officer shall give the notice required under paragraph (1) of this subsection
16 reasonably in advance.

17 11-930.

18 (a) In this part the following words have the meanings indicated.

19 (b) "Certifying entity" means:

20 (1) a State or local law enforcement agency;

21 (2) a State's Attorney or deputy or assistant State's Attorney;

22 (3) any other authority that has responsibility for the detection,
23 investigation, or prosecution of a qualifying crime or criminal activity; or

24 (4) an agency that has criminal, **CIVIL, FAMILY, OR ADMINISTRATIVE**
25 detection [or], investigative, **OR PROSECUTORIAL** jurisdiction in the agency's respective
26 areas of expertise, including child protective services, **ADULT PROTECTIVE SERVICES**, the
27 Commission on Civil Rights, and the Maryland Department of Labor.

28 (c) "Certifying official" means:

29 (1) the head of a certifying entity;

30 (2) an individual in a supervisory role who has been specifically designated
31 by the head of a certifying entity to provide U Nonimmigrant Status certifications on behalf
32 of that entity; or

(3) any other certifying official defined under Title 8, § 214.14(a)(3)(i) of the Code of Federal Regulations.

(d) **“FEDERAL U ~~VISA~~ NONIMMIGRANT STATUS PETITION GUIDELINES” MEANS FEDERAL STATUTES, REGULATIONS, POLICIES, PUBLICATIONS, GUIDANCE, AND INSTRUCTIONS RELATING TO U NONIMMIGRANT STATUS, INCLUDING 8 U.S.C. § 1101(A)(15)(U), 8 U.S.C. ~~§ 1184(O)~~ § 1184(P), 8 U.S.C. § 1367, 72 FED. REG. 53014 (SEPT. 17, 2007), 8 C.F.R. § 214.14, 8 C.F.R. § 245.24, AND 8 U.S.C. § 1255(M)(1).**

(E) “Qualifying crime” includes a criminal offense for which the nature and elements of the offense are substantially similar to the criminal activity described in subsection [(e)] (F) of this section and the attempt, conspiracy, or solicitation to commit the offense.

[(e)] (F) “Qualifying criminal activity” means criminal activity under § 1101(a)(15)(U)(iii) of the United States Code **OR THAT IS DESCRIBED IN FEDERAL U ~~VISA~~ NONIMMIGRANT STATUS PETITION GUIDELINES.**

11–931.

(a) (1) For purposes of filing a petition with the United States Citizenship and Immigration Services for U Nonimmigrant Status, a victim or the victim’s parent, guardian, [or] next friend, **ATTORNEY, VICTIM ADVOCATE, OR OTHER REPRESENTATIVE** may request a certifying official of a certifying entity to certify victim helpfulness on a Form I–918, Supplement B certification if the victim:

[(1)] (I) was a victim of a qualifying criminal activity and has been helpful, **IS BEING HELPFUL, OR IS LIKELY TO BE HELPFUL** [to the certifying entity] in the detection, investigation, or prosecution, ~~INCLUDING SENTENCING,~~ of that qualifying criminal activity;

[(2)] (II) was under the age of 16 years on the date that an act that constitutes an element of qualifying criminal activity first occurred and the victim’s parent, guardian, or next friend has been helpful to the certifying entity in the detection, investigation, or prosecution, ~~INCLUDING SENTENCING,~~ of that qualifying criminal activity; or

[(3)] (III) is incapacitated or incompetent and the victim’s parent, guardian, or next friend has been helpful to the certifying entity in the detection, investigation, or prosecution, ~~INCLUDING SENTENCING,~~ of that qualifying criminal activity.

(2) (I) **A VICTIM OF A QUALIFYING CRIME OR A QUALIFYING CRIMINAL ACTIVITY IS ELIGIBLE FOR CERTIFICATION.**

1 **(II) IF A VICTIM IS APPLYING FOR CERTIFICATION AS A RESULT**
2 **OF BEING A VICTIM OF MORE THAN ONE QUALIFYING CRIME OR QUALIFYING**
3 **CRIMINAL ACTIVITY, EACH QUALIFYING CRIME AND QUALIFYING CRIMINAL**
4 **ACTIVITY SHALL BE LISTED ON THE CERTIFICATION.**

5 **(b) FOR PURPOSES OF DETERMINING HELPFULNESS FOR A REQUEST FOR**
6 **CERTIFICATION UNDER SUBSECTION (A) OF THIS SECTION, AN INDIVIDUAL SHALL**
7 **BE CONSIDERED HELPFUL IF, SINCE THE INITIATION OF HELPFULNESS, THE**
8 **INDIVIDUAL HAS NOT UNREASONABLY REFUSED TO COOPERATE OR UNREASONABLY**
9 **FAILED TO PROVIDE INFORMATION AND ASSISTANCE REASONABLY REQUESTED BY**
10 **A CERTIFYING ENTITY.**

11 **(C)** For purposes of determining helpfulness under subsection (a) of this section,
12 if the victim or the victim's parent, guardian, or next friend is assisting, has assisted, or is
13 likely to assist law enforcement authorities in the detection, investigation, or prosecution
14 of qualifying criminal activity, the victim or the victim's parent, guardian, or next friend
15 shall be considered to be helpful, to have been helpful, or likely to be helpful.

16 **[(c)] (D)** If the victim or the victim's parent, guardian, or next friend satisfies
17 the criteria specified under subsection (a) of this section, the certifying official shall fully
18 complete and sign the Form I-918, Supplement B certification and, with respect to victim
19 helpfulness, include:

20 (1) specific details about the nature of the crime **DETECTED**, investigated,
21 ~~for~~, prosecuted, ~~OR SENTENCED~~;

22 (2) a detailed description of the victim's **PAST OR PRESENT** helpfulness or
23 likely helpfulness to the detection, investigation, or prosecution, ~~INCLUDING~~
24 ~~SENTENCING~~, of the criminal activity; and

25 (3) copies of any documents in the possession of the certifying official that
26 evince the harm endured by the victim due to the criminal activity.

27 **[(d)] (E)** (1) Except as provided in paragraph (2) of this subsection, the
28 certifying entity shall certify or decline certification of the Form I-918, Supplement B
29 certification within ~~90~~ **30** days after receiving a request under subsection (a) of this section.

30 (2) If a noncitizen victim is the subject of removal, exclusion, or deportation
31 proceedings or subject to a final order of removal, exclusion, or deportation, the certifying
32 entity shall certify or decline certification of the Form I-918, Supplement B certification
33 within ~~14~~ **7** days after receiving a request under subsection (a) of this section.

34 **[(e)] (F)** A current investigation, the filing of charges, a prosecution, or a
35 conviction is not required for a victim or the victim's parent, guardian, ~~[or]~~ next friend,

1 ATTORNEY, VICTIM ADVOCATE, OR OTHER REPRESENTATIVE to request and obtain the
2 Form I-918, Supplement B certification under this section.

3 (G) THERE IS NO STATUTE OF LIMITATIONS FOR WHEN A QUALIFYING
4 CRIMINAL ACTIVITY OCCURRED RELATIVE TO THE REQUEST FOR CERTIFICATION OF
5 VICTIM HELPFULNESS UNDER THIS SECTION.

6 (H) IF THE CERTIFYING OFFICIAL CANNOT DETERMINE WHETHER THE
7 APPLICANT IS A VICTIM OF A QUALIFYING CRIMINAL ACTIVITY OR DETERMINES
8 THAT THE APPLICANT DOES NOT QUALIFY FOR CERTIFICATION, THE CERTIFYING
9 OFFICIAL SHALL PROVIDE A WRITTEN EXPLANATION TO THE VICTIM OR THE
10 VICTIM'S PARENT, GUARDIAN, NEXT FRIEND, ATTORNEY, VICTIM ADVOCATE, OR
11 OTHER REPRESENTATIVE SETTING FORTH REASONS WHY THE AVAILABLE EVIDENCE
12 DOES NOT SUPPORT ISSUANCE OF THE CERTIFICATION.

13 [(f)] (I) A certifying official may DENY OR withdraw the certification provided
14 under this section only [on refusal to provide information and assistance when reasonably
15 requested of:

16 (1) the victim; or

17 (2) the victim's parent, guardian, or next friend if the victim was under the
18 age of 16 years on the date that an act that constitutes an element of qualifying criminal
19 activity first occurred or if the victim is incapacitated or incompetent] IF, AFTER
20 CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, THE PERSON PROVIDING
21 THE HELPFULNESS UNDER SUBSECTION (A) OF THIS SECTION UNREASONABLY
22 REFUSED TO COOPERATE OR UNREASONABLY FAILED TO PROVIDE INFORMATION
23 OR ASSISTANCE REASONABLY REQUESTED BY A CERTIFYING OFFICIAL.

24 (J) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
25 CERTIFYING OFFICIAL'S COMPLETION OF A CERTIFICATION FORM MAY NOT BE
26 CONSIDERED SUFFICIENT EVIDENCE THAT AN APPLICANT FOR ~~A U OR A T VISA~~ U
27 NONIMMIGRANT STATUS HAS MET ALL ELIGIBILITY REQUIREMENTS FOR THAT ~~VISA~~
28 STATUS, AND COMPLETION OF A CERTIFICATION FORM BY A CERTIFYING OFFICIAL
29 MAY NOT BE CONSTRUED TO GUARANTEE THAT THE VICTIM WILL RECEIVE
30 IMMIGRATION RELIEF UNDER FEDERAL LAW.

31 (2) COMPLETION OF A CERTIFICATION FORM BY A CERTIFYING
32 OFFICIAL ONLY SERVES AS VERIFICATION OF THE FACTUAL INFORMATION
33 RELEVANT FOR A FEDERAL IMMIGRATION OFFICIAL TO DETERMINE ELIGIBILITY
34 FOR ~~A U OR A T VISA~~ U NONIMMIGRANT STATUS.

1 **(3) BY COMPLETING A CERTIFICATION FORM, THE CERTIFYING**
2 **OFFICIAL ATTESTS THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF**
3 **THE CERTIFYING OFFICIAL’S KNOWLEDGE.**

4 **(4) THIS SECTION DOES NOT LIMIT THE MANNER IN WHICH A**
5 **CERTIFYING OFFICIAL OR CERTIFYING AGENCY MAY:**

6 **(I) DESCRIBE WHETHER THE PERSON HAS BEEN HELPFUL, IS**
7 **BEING HELPFUL, OR IS LIKELY TO BE HELPFUL TO THE CERTIFYING ENTITY; OR**

8 **(II) PROVIDE ANY ADDITIONAL INFORMATION THE CERTIFYING**
9 **OFFICIAL OR CERTIFYING ENTITY BELIEVES MIGHT BE RELEVANT TO THE**
10 **ADJUDICATION OF A U ~~OR A T VISA APPLICATION~~ NONIMMIGRANT STATUS**
11 **PETITION.**

12 **(K) A CERTIFYING ENTITY SHALL DEVELOP PROTOCOLS TO ASSIST**
13 **PETITIONERS WHO HAVE LIMITED ENGLISH PROFICIENCY TO PROCEED UNDER THIS**
14 **SECTION.**

15 **[(g) A certifying entity may disclose information relating to a victim who is seeking**
16 **or has obtained U Nonimmigrant Status only:**

17 (1) in order to comply with federal law, court order, or a discovery
18 obligation in the prosecution of a criminal offense; or

19 (2) after adult petitioners for U Nonimmigrant Status or adult U
20 Nonimmigrant Status holders have provided written consent for the disclosure of the
21 information.

22 (h) (1) Except in cases of willful or wanton misconduct, a certifying entity or
23 certifying official who acts or fails to act in good faith in compliance with this section has
24 the immunity from liability described under § 5–643 of the Courts Article.

25 (2) A person who brings an action to seek enforcement of this section may
26 not be awarded attorney’s fees or costs unless the action demonstrates willful or wanton
27 misconduct by a certifying entity or certifying official.]

28 **11–932.**

29 **(A) A CERTIFYING ENTITY OR A CERTIFYING OFFICIAL MAY DISCLOSE**
30 **INFORMATION RELATING TO A VICTIM WHO IS SEEKING CERTIFICATION, OR WHO IS**
31 **SEEKING OR HAS OBTAINED U NONIMMIGRANT STATUS ONLY:**

32 **(1) TO COMPLY WITH FEDERAL LAW, A COURT ORDER, OR A**
33 **DISCOVERY OBLIGATION IN THE PROSECUTION OF A CRIMINAL OFFENSE; OR**

1 **(2) MINIMIZING DISRUPTION TO SERVICES PROVIDED AT SENSITIVE**
2 **LOCATIONS FROM IMMIGRATION ENFORCEMENT CONDUCTED USING FIREARMS;**

3 **(3) DELINEATING BETWEEN IMMIGRATION ENFORCEMENT WITHIN**
4 **THE PUBLIC PORTIONS OF SENSITIVE LOCATIONS AND THE NONPUBLIC OR PRIVATE**
5 **PORTIONS OF SENSITIVE LOCATIONS;**

6 **(4) VERIFYING THE IDENTITY OF IMMIGRATION ENFORCEMENT**
7 **AGENTS AND VALIDATING IMMIGRATION ENFORCEMENT DOCUMENTATION SEEKING**
8 **SPECIFIC INDIVIDUALS;**

9 **(5) ALIGNING ARTICLE 26 OF THE MARYLAND CONSTITUTION,**
10 **WHICH REQUIRES THAT A WARRANT NAME A SPECIFIC INDIVIDUAL, WITH POLICIES**
11 **ABOUT COLLATERAL IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS;**

12 **(6) LIMITING LIABILITY EXPOSURE FOR STATE, LOCAL, AND PRIVATE**
13 **INSTITUTIONS AND THE PARTICIPATION OF THE EMPLOYEES OF THOSE**
14 **INSTITUTIONS IN IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS;**

15 **(7) FACILITATING RELATIONSHIPS BETWEEN FEDERAL LAW**
16 **ENFORCEMENT OFFICERS AND STATE AND LOCAL OFFICIALS AND LAW**
17 **ENFORCEMENT OFFICERS IN ORDER TO CONDUCT IMMIGRATION ENFORCEMENT**
18 **ACTIVITIES THROUGH THE LEAST DANGEROUS AND DISRUPTIVE MEANS; AND**

19 **(8) COMPLYING WITH EXISTING LEGAL OBLIGATIONS AND**
20 **LIMITATIONS ON STATE AGENCIES WHILE MAINTAINING PUBLIC SAFETY AND**
21 **ACCESSIBILITY TO THOSE AGENCIES.**

22 **(C) THE ATTORNEY GENERAL MAY DEVELOP AND PUBLISH GUIDANCE FOR**
23 **NONPUBLIC FACILITIES ABOUT IMMIGRATION ENFORCEMENT AT SENSITIVE**
24 **LOCATIONS.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2025.