

# HOUSE BILL 1222

E4

5lr2365  
CF 5lr3498

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By: Delegates Williams, Acevero, Allen, Amprey, Bagnall, Boaf, Boyce, Charkoudian, Crutchfield, Cullison, Davis, Ebersole, Edelson, Embry, Fair, Feldmark, Foley, Forbes, Fraser-Hidalgo, Harris, Hill, Ivey, A. Johnson, D. Jones, Kaiser, Kaufman, Kerr, Lehman, R. Lewis, J. Long, Lopez, Martinez, McCaskill, Mireku-North, Moon, Palakovich Carr, Pasteur, Patterson, Pena-Melnyk, Phillips, Queen, Roberson, Ruff, Ruth, Shetty, Simpson, Smith, Solomon, Spiegel, Stein, Stewart, Taveras, Taylor, Terrasa, Valderrama, Vogel, Wells, White Holland, Wilkins, Wims, Wolek, Woods, Woorman, and Young

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Immigration Enforcement**  
3 **(Maryland Values Act)**

4 FOR the purpose of requiring an employee or agent of a State or local correctional facility  
5 and a law enforcement agent to ~~detain~~ provide certain notice of the release of a  
6 certain individual and transfer the individual to federal immigration authorities  
7 under certain circumstances; prohibiting the State, a unit of local government, a  
8 county sheriff, or any agency, officer, employee, or agent of the State or a unit of local  
9 government from entering into a certain immigration enforcement agreement;  
10 requiring the termination of an existing immigration enforcement agreement on or  
11 before a certain date; and generally relating to immigration enforcement.

12 BY adding to  
13 Article – Correctional Services  
14 Section 9–309  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2024 Supplement)

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### 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 5–104  
 4 Annotated Code of Maryland  
 5 (2018 Replacement Volume and 2024 Supplement)

6 BY adding to  
 7 Article – Criminal Procedure  
 8 Section 5–104.1  
 9 Annotated Code of Maryland  
 10 (2018 Replacement Volume and 2024 Supplement)

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

13 **Article – Correctional Services**

14 **9–309.**

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 16 INDICATED.

17 (2) “COVERED INDIVIDUAL” MEANS AN INDIVIDUAL WHO:

18 (I) ~~IS NOT LAWFULLY PRESENT IN THE UNITED STATES~~ IS THE  
 19 SUBJECT OF AN ACTIVE IMMIGRATION DETAINER REQUEST; AND

20 (II) 1. HAS BEEN CONVICTED ON OR AFTER JUNE 1, 2025,  
 21 OF:

22 A. A CRIME OF VIOLENCE;

23 B. ANY FELONY;

24 C. USING A FIREARM IN THE COMMISSION OF A CRIME OF  
 25 VIOLENCE UNDER § 4–204(B) OF THE CRIMINAL LAW ARTICLE;

26 D. DRIVING UNDER THE INFLUENCE; OR

27 E. ENGAGING IN CRIMINAL ORGANIZATION ACTIVITY; OR

28 2. HAS BEEN ISSUED AN INTERPOL NOTICE FOR  
 29 CRIMINAL ORGANIZATION ACTIVITY.

1           **(3) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14–101 OF**  
 2 **THE CRIMINAL LAW ARTICLE.**

3           **(4) “CRIMINAL ORGANIZATION” HAS THE MEANING STATED IN §**  
 4 **9–801 OF THE CRIMINAL LAW ARTICLE.**

5           **(5) “DRIVING UNDER THE INFLUENCE” HAS THE MEANING STATED IN**  
 6 **§ 21–902 OF THE TRANSPORTATION ARTICLE.**

7           **(6) “INTERPOL NOTICE” MEANS A REQUEST ISSUED BY THE**  
 8 **INTERNATIONAL CRIMINAL POLICE ORGANIZATION FOR LAW ENFORCEMENT**  
 9 **WORLDWIDE TO LOCATE AND PROVISIONALLY ARREST A PERSON PENDING**  
 10 **EXTRADITION, SURRENDER, OR SIMILAR LEGAL ACTION.**

11           **(B) IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES, AN**  
 12 **EMPLOYEE OR AGENT OF A STATE OR LOCAL CORRECTIONAL FACILITY SHALL:**

13           **(1) ~~DETAIN~~ PROVIDE NOTICE OF THE RELEASE OF A COVERED**  
 14 **INDIVIDUAL ~~FOR UP TO~~ WITHIN 48 HOURS BEFORE THE RELEASE OF THE COVERED**  
 15 **INDIVIDUAL IN ORDER TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO**  
 16 **FEDERAL IMMIGRATION AUTHORITIES; AND**

17           **(2) TRANSFER A COVERED INDIVIDUAL TO FEDERAL IMMIGRATION**  
 18 **AUTHORITIES PROVIDED THAT THE TRANSFER DOES NOT EXTEND THE TIME IN**  
 19 **CUSTODY OF THE COVERED INDIVIDUAL BEYOND THE INDIVIDUAL’S SCHEDULED**  
 20 **RELEASE.**

21                                 **Article – Criminal Procedure**

22           5–104.

23           (a) (1) In this section the following words have the meanings indicated.

24                                 (2) “Civil immigration violation” means a violation of federal civil  
 25 immigration law.

26                                 (3) “Family member” means a relative by blood, adoption, or marriage.

27                                 (4) “Household member” means a person who lives with another or is a  
 28 regular presence in the home of another.

29                                 (5) (i) “Law enforcement agent” means an individual who is certified by  
 30 the Maryland Police Training and Standards Commission under § 3–209 of the Public  
 31 Safety Article.

1 (ii) "Law enforcement agent" does not include an agent or employee  
2 of a State correctional facility or a local correctional facility.

3 (6) "Local correctional facility" has the meaning stated in § 1-101 of the  
4 Correctional Services Article.

5 (7) "State correctional facility" has the meaning stated in § 1-101 of the  
6 Correctional Services Article.

7 (b) (1) In this subsection, "arrest" does not include a routine booking  
8 procedure.

9 (2) Except as provided in paragraphs (3) [and], (4), AND (5) of this  
10 subsection, a law enforcement agent may not, during the performance of regular police  
11 functions:

12 (i) inquire about an individual's citizenship, immigration status, or  
13 place of birth during a stop, a search, or an arrest;

14 (ii) detain, or prolong the detention of, an individual:

15 1. for the purpose of investigating the individual's  
16 citizenship or immigration status; or

17 2. based on the suspicion that the individual has committed  
18 a civil immigration violation;

19 (iii) transfer an individual to federal immigration authorities unless  
20 required by federal law; or

21 (iv) coerce, intimidate, or threaten any individual based on the actual  
22 or perceived citizenship or immigration status of the individual or:

23 1. the individual's family member;

24 2. the individual's household member;

25 3. the individual's legal guardian; or

26 4. another individual for whom the individual is a legal  
27 guardian.

28 (3) Nothing in this subsection shall prevent a law enforcement agent from  
29 inquiring about any information that is material to a criminal investigation.

1 (4) If the citizenship or immigration status of an individual is relevant to a  
2 protection accorded to the individual under State or federal law, or subject to a requirement  
3 imposed by international treaty, a law enforcement agent may:

4 (i) notify the individual of the protection or requirement; and

5 (ii) provide the individual an opportunity to voluntarily disclose the  
6 individual's citizenship or immigration status for the purpose of receiving the protection or  
7 complying with the requirement.

8 **(5) (I) IN THIS PARAGRAPH, "COVERED INDIVIDUAL" HAS THE**  
9 **MEANING STATED IN § 9-309 OF THE CORRECTIONAL SERVICES ARTICLE.**

10 **(II) IF REQUESTED BY FEDERAL IMMIGRATION AUTHORITIES, A**  
11 **LAW ENFORCEMENT AGENT SHALL:**

12 **1. ~~DETAIN~~ PROVIDE NOTICE OF THE RELEASE OF A**  
13 **COVERED INDIVIDUAL FOR UP TO WITHIN 48 HOURS BEFORE THE RELEASE OF THE**  
14 **COVERED INDIVIDUAL TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO**  
15 **FEDERAL IMMIGRATION AUTHORITIES; AND**

16 **2. TRANSFER A COVERED INDIVIDUAL TO FEDERAL**  
17 **IMMIGRATION AUTHORITIES PROVIDED THAT THE TRANSFER DOES NOT EXTEND**  
18 **THE TIME IN CUSTODY OF THE COVERED INDIVIDUAL BEYOND THE INDIVIDUAL'S**  
19 **SCHEDULED RELEASE.**

20 **5-104.1.**

21 **(A) (1) IN THIS SECTION, "IMMIGRATION ENFORCEMENT AGREEMENT"**  
22 **MEANS A CONTRACT, AN AGREEMENT, AN INTERGOVERNMENTAL SERVICE**  
23 **AGREEMENT, OR A MEMORANDUM OF UNDERSTANDING WITH THE FEDERAL**  
24 **GOVERNMENT THAT AUTHORIZES THE STATE, A UNIT OF LOCAL GOVERNMENT, A**  
25 **COUNTY SHERIFF, OR ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE**  
26 **OR A UNIT OF LOCAL GOVERNMENT TO ENFORCE CIVIL IMMIGRATION LAW.**

27 **(2) "IMMIGRATION ENFORCEMENT AGREEMENT" INCLUDES AN**  
28 **AGREEMENT MADE IN ACCORDANCE WITH:**

29 **(I) 8 U.S.C. § 1103;**

30 **(II) 8 U.S.C. § 1357; OR**

31 **(III) ANY OTHER FEDERAL LAW.**

1           **(B) THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR**  
2 **ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL**  
3 **GOVERNMENT MAY NOT ENTER INTO AN IMMIGRATION ENFORCEMENT AGREEMENT.**

4           **(C) THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR**  
5 **ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL**  
6 **GOVERNMENT WITH AN EXISTING IMMIGRATION ENFORCEMENT AGREEMENT SHALL**  
7 **EXERCISE THE TERMINATION PROVISION CONTAINED IN THE IMMIGRATION**  
8 **ENFORCEMENT AGREEMENT NOT LATER THAN JULY 1, 2025.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
10 1, 2025.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.