

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

FOR the purpose of restricting the application of provisions of Section 287(g) of the Immigration and Nationality Act (INA), codified in 8 U.S.C. §1357(g) by an employee or agent of a State or local correctional facility and a law enforcement agent; prohibiting the State, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the State or a unit of local government from investigating the immigration status of arrestees except those covered in this act.

BY adding to
Article – Correctional Services
Section 9–309
Annotated Code of Maryland

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–104
Annotated Code of Maryland

BY adding to
Article – Criminal Procedure
Section 5–104.1
Annotated Code of Maryland

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

Article – Correctional Services

9–309.

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

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

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

OR

**(II) HAS BEEN CONVICTED FOR THE FOLLOWING PART I OR PART II
OFFENSES DEFINED IN THE FBI AND MARYLAND STATE POLICE UNIFORM
CRIME REPORTS:**

Part I Offenses

Criminal Homicide:

a. Murder and nonnegligent manslaughter:

The willful (nonnegligent) killing of one human being by another.

b. Manslaughter by negligence:

The killing of another person through gross negligence.

Forcible Rape:

The carnal knowledge of an individual forcibly and against their will. Included are rapes by force and attempts or assaults to rape.

Robbery:

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault:

The unlawful attack by one person upon another for the purpose of inflicting severe bodily injury usually accompanied by the use of a weapon or other means likely to produce death or serious bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. Attacks using personal weapons (part of the attacker's body) must result in serious personal injury. Attacks using personal weapons (part of the attacker's body) must result in serious personal injury to be classified as aggravated assault.

Burglary:

The unlawful entry of a "structure" to commit a felony or theft. The use of force to gain entry is not required to classify the crime as burglary. A "structure" is considered to include the following, but not limited to: dwelling houses, apartments, out buildings, public buildings, offices, factories, barns, cabins, etc.

Felony Larceny:

The unlawful taking or stealing of property or articles without the use of force, violence, or fraud.

Motor Vehicle Theft:

The unlawful taking or stealing of a motor vehicle, including attempts.

Arson:

The willful or malicious burning of property with or without the intent to defraud. Includes attempts.

Part II Offenses

Forgery and Counterfeiting:

The making, altering, using or possession, with intent to defraud, of anything false which is made to appear true. Includes attempts.

Fraud:

Fraudulent conversion and obtaining money or property by false pretenses. Includes bad checks, confidence games, illegal conversion of services, etc., except forgeries and counterfeiting.

Embezzlement:

Misappropriation or misapplication of money or property entrusted to one's care, custody, or control. Includes larceny from employer.

Stolen Property:

The buying, receiving, and possessing of stolen property, or the attempt to do so.

Weapons:

All violations of regulations or statutes that control carrying, using, possessing, furnishing, and manufacturing deadly weapons or silencers. Includes attempts.

Drug Laws:

The unlawful possession, sale, use, growth or manufacture of controlled substances to include Opium or cocaine and their derivatives (morphine, heroin, codeine), synthetic narcotics -- manufactured narcotics which can cause true drug addiction, and dangerous non-narcotic drugs.

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

(1) PROVIDE NOTICE OF THE RELEASE OF A COVERED INDIVIDUAL UNDER "COVERED INDIVIDUAL" IN 9-309 (A)(2)(I) WITHIN 48 HOURS BEFORE THE RELEASE OF THE COVERED INDIVIDUAL IN ORDER TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES; AND

(2) TRANSFER A COVERED INDIVIDUAL UNDER "COVERED INDIVIDUAL" IN 9-309 (A)(2)(I) TO FEDERAL IMMIGRATION AUTHORITIES PROVIDED THAT THE TRANSFER DOES NOT EXTEND THE TIME IN CUSTODY OF THE COVERED INDIVIDUAL BEYOND THE INDIVIDUAL'S SCHEDULED RELEASE.