

SENATE BILL 88

E4
HB 1612/20 – HRU

(PRE-FILED)

1lr1269
CF HB 304

By: **Senator Smith**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State and Local Government – Participation in Federal Immigration**
3 **Enforcement**

4 FOR the purpose of providing that a certain official is immune from criminal and civil
5 liability for refusing to provide information to the federal government or another
6 state that will be used for a certain purpose; authorizing the State to indemnify a
7 certain official for certain costs or a certain judgment; expressing the intent of the
8 General Assembly to maintain community trust in Maryland governmental
9 operations and law enforcement by clarifying the parameters of State and local
10 participation in federal immigration enforcement efforts; prohibiting a law
11 enforcement agent from taking certain actions at a certain time under certain
12 circumstances; prohibiting a State or local correctional agent or employee from
13 taking certain actions under certain circumstances, subject to certain exceptions;
14 prohibiting a unit of State government or local government, or an agent or employee
15 of a unit, from taking certain actions, subject to certain exceptions; authorizing a
16 unit of State government or local government, or an agent or employee of a unit, to
17 provide certain notice and a certain opportunity to a certain individual under certain
18 circumstances; providing that a certain document shall be accepted for a certain
19 purpose under certain circumstances, subject to a certain exception; requiring a unit
20 of State government or local government to provide certain notice to a certain
21 individual who is the subject of a certain request or inquiry made by federal
22 immigration authorities; providing that nothing in this Act shall prevent a certain
23 agent or employee from responding to a certain request or sending or receiving
24 certain information; prohibiting a certain officer or unit of State government from
25 spending certain funds for a certain purpose; prohibiting the State from reimbursing
26 certain expenditures; providing that the State is not obligated to appropriate money
27 to pay a certain expenditure; providing that a certain employee or officer who makes
28 a certain expenditure or receives certain funds is subject to certain disciplinary
29 action under certain provisions of law; requiring the Attorney General to develop
30 certain policies in consultation with certain stakeholders; authorizing all public

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



schools, hospitals, and courthouses to establish and publish certain policies; requiring all State agencies to review certain policies, identify certain changes, and make certain changes at a certain time for certain purposes; defining certain terms; making the provisions of this Act severable; and generally relating to State and local participation in federal immigration enforcement.

BY adding to

Article – Courts and Judicial Proceedings
Section 5–527
Annotated Code of Maryland
(2020 Replacement Volume)

BY adding to

Article – Criminal Procedure
Section 5–104
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – General Provisions
Section 9–101 through 9–104 to be under the new title “Title 9. Citizenship and Immigration Status”
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY adding to

Article – State Finance and Procurement
Section 7–240
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

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

Article – Courts and Judicial Proceedings

5–527.

(A) AN OFFICIAL OF STATE GOVERNMENT OR A LOCAL GOVERNMENT IS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY FOR REFUSING TO PROVIDE INFORMATION TO THE FEDERAL GOVERNMENT OR ANOTHER STATE THAT WILL BE USED FOR THE CREATION OR MAINTENANCE OF A REGISTRY FOR THE PURPOSE OF DISCRIMINATING AGAINST INDIVIDUALS ON THE BASIS OF RELIGION, RACE, GENDER, SEXUAL ORIENTATION, IMMIGRATION STATUS, OR NATIONAL OR ETHNIC ORIGIN.

(B) THE STATE MAY INDEMNIFY AN OFFICIAL OF STATE GOVERNMENT OR A LOCAL GOVERNMENT FOR ANY COSTS ASSOCIATED WITH OR ANY JUDGMENT IN AN ACTION OR SUIT FILED BASED ON THE OFFICIAL'S REFUSAL TO PROVIDE INFORMATION TO THE FEDERAL GOVERNMENT OR ANOTHER STATE THAT WILL BE USED FOR THE CREATION OR MAINTENANCE OF A REGISTRY FOR THE PURPOSE OF DISCRIMINATING AGAINST INDIVIDUALS ON THE BASIS OF RELIGION, RACE, GENDER, SEXUAL ORIENTATION, IMMIGRATION STATUS, OR NATIONAL OR ETHNIC ORIGIN.

Article – Criminal Procedure

5–104.

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

(2) “CIVIL IMMIGRATION ENFORCEMENT” INCLUDES ALL EFFORTS TO INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF FEDERAL CIVIL IMMIGRATION LAW.

(3) “CIVIL IMMIGRATION VIOLATION” MEANS A VIOLATION OF FEDERAL CIVIL IMMIGRATION LAW.

(4) “JUDICIAL WARRANT” MEANS A WARRANT BASED ON PROBABLE CAUSE AND ISSUED BY A STATE OR FEDERAL JUDGE OR A FEDERAL MAGISTRATE JUDGE THAT AUTHORIZES THE ARREST OR TAKING INTO CUSTODY OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE WARRANT.

(5) “LAW ENFORCEMENT AGENT” INCLUDES:

(I) A LAW ENFORCEMENT OFFICER, AS DEFINED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE;

(II) A CHIEF OF A LAW ENFORCEMENT AGENCY, AS DEFINED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE; AND

(III) AN AGENT OR EMPLOYEE OF A STATE OR LOCAL LAW ENFORCEMENT AGENCY.

(6) “LOCAL CORRECTIONAL FACILITY” HAS THE MEANING STATED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE.

(7) “STATE CORRECTIONAL FACILITY” HAS THE MEANING STATED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE.

1 **(8) “STATE OR LOCAL CORRECTIONAL AGENT OR EMPLOYEE” MEANS**
2 **AN AGENT OR EMPLOYEE OF A STATE CORRECTIONAL FACILITY OR LOCAL**
3 **CORRECTIONAL FACILITY.**

4 **(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO MAINTAIN**
5 **COMMUNITY TRUST IN MARYLAND GOVERNMENTAL OPERATIONS AND LAW**
6 **ENFORCEMENT BY CLARIFYING THE PARAMETERS OF STATE AND LOCAL**
7 **PARTICIPATION IN FEDERAL IMMIGRATION ENFORCEMENT EFFORTS.**

8 **(C) A LAW ENFORCEMENT AGENT MAY NOT, DURING THE PERFORMANCE OF**
9 **REGULAR POLICE FUNCTIONS:**

10 **(1) INQUIRE ABOUT AN INDIVIDUAL’S CITIZENSHIP, IMMIGRATION**
11 **STATUS, OR PLACE OF BIRTH DURING A STOP, A SEARCH, OR AN ARREST;**

12 **(2) DETAIN, OR PROLONG THE DETENTION OF, AN INDIVIDUAL:**

13 **(I) FOR THE PURPOSE OF INVESTIGATING THE INDIVIDUAL’S**
14 **CITIZENSHIP OR IMMIGRATION STATUS; OR**

15 **(II) BASED ON THE SUSPICION THAT THE INDIVIDUAL HAS**
16 **COMMITTED A CIVIL IMMIGRATION VIOLATION; OR**

17 **(3) TRANSFER AN INDIVIDUAL TO FEDERAL IMMIGRATION**
18 **AUTHORITIES UNLESS REQUIRED BY FEDERAL LAW.**

19 **(D) WITHOUT A JUDICIAL WARRANT, A LAW ENFORCEMENT AGENT MAY**
20 **NOT, PURSUANT TO A REQUEST BY FEDERAL IMMIGRATION AUTHORITIES MADE IN**
21 **RELATION TO CIVIL IMMIGRATION ENFORCEMENT:**

22 **(1) TRANSFER AN INDIVIDUAL TO FEDERAL IMMIGRATION**
23 **AUTHORITIES FOR THE PURPOSE OF CIVIL IMMIGRATION ENFORCEMENT;**

24 **(2) DETAIN AN INDIVIDUAL FOR THE PURPOSE OF CIVIL**
25 **IMMIGRATION ENFORCEMENT; OR**

26 **(3) NOTIFY FEDERAL IMMIGRATION AUTHORITIES OF AN**
27 **INDIVIDUAL’S LOCATION, ADDRESS, OR ANY OTHER INFORMATION THAT MAY BE**
28 **USED TO AID FEDERAL IMMIGRATION AUTHORITIES FOR THE PURPOSE OF CIVIL**
29 **IMMIGRATION ENFORCEMENT.**

30 **(E) (1) WITHOUT A JUDICIAL WARRANT, A STATE OR LOCAL**
31 **CORRECTIONAL AGENT OR EMPLOYEE MAY NOT DETAIN AN INDIVIDUAL:**

1 (I) BEYOND THE PERIOD PRESCRIBED BY APPLICABLE STATE
2 OR LOCAL LAW; OR

3 (II) SOLELY FOR A PURPOSE RELATED TO CIVIL IMMIGRATION
4 ENFORCEMENT.

5 (2) FOR AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A CRIME OF
6 VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, AND WHO IS
7 OR MAY BE SUBJECT TO CIVIL IMMIGRATION ENFORCEMENT, A STATE OR LOCAL
8 CORRECTIONAL AGENT OR EMPLOYEE MAY:

9 (I) CONTACT FEDERAL IMMIGRATION AUTHORITIES
10 REGARDING THE INDIVIDUAL;

11 (II) COMMUNICATE TO FEDERAL IMMIGRATION AUTHORITIES
12 ANY INFORMATION ABOUT THE INDIVIDUAL, INCLUDING:

13 1. INFORMATION ABOUT THE INDIVIDUAL'S RELEASE
14 FROM A STATE CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY; AND

15 2. THE INDIVIDUAL'S LOCATION OR ADDRESS;

16 (III) ALLOW FEDERAL IMMIGRATION AUTHORITIES TO ACCESS
17 AN AREA NOT ACCESSIBLE TO THE PUBLIC IN A BUILDING OWNED OR CONTROLLED
18 BY A STATE CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY FOR THE
19 PURPOSE OF TAKING THE INDIVIDUAL INTO CUSTODY; AND

20 (IV) TRANSFER THE INDIVIDUAL TO FEDERAL IMMIGRATION
21 AUTHORITIES.

22 (F) NOTHING IN THIS SECTION SHALL PREVENT A LAW ENFORCEMENT
23 AGENT OR A STATE OR LOCAL CORRECTIONAL AGENT OR EMPLOYEE FROM:

24 (1) RESPONDING TO:

25 (I) A REQUEST FROM FEDERAL IMMIGRATION AUTHORITIES
26 FOR INFORMATION ABOUT A SPECIFIC PERSON'S CRIMINAL RECORD WHEN
27 REQUIRED BY STATE OR FEDERAL LAW; OR

28 (II) A LAWFUL SUBPOENA;

29 (2) SENDING TO, OR RECEIVING FROM, ANY LOCAL, STATE, OR
30 FEDERAL AGENCY INFORMATION REGARDING THE CITIZENSHIP OR IMMIGRATION

1 STATUS OF AN INDIVIDUAL WHEN REQUIRED BY STATE OR FEDERAL LAW; OR

2 (3) OTHERWISE COMPLYING WITH:

3 (I) A REQUIREMENT OF STATE OR FEDERAL LAW; OR

4 (II) A JUDICIAL WARRANT.

5 Article – General Provisions

6 TITLE 9. CITIZENSHIP AND IMMIGRATION STATUS.

7 9–101.

8 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
9 INDICATED.

10 (2) “CIVIL IMMIGRATION ENFORCEMENT” HAS THE MEANING STATED
11 IN § 5–104 OF THE CRIMINAL PROCEDURE ARTICLE.

12 (3) “FAMILY MEMBER” MEANS A RELATIVE BY BLOOD, ADOPTION, OR
13 MARRIAGE.

14 (4) “HOUSEHOLD MEMBER” MEANS A PERSON WHO LIVES WITH, OR IS
15 A REGULAR PRESENCE IN, A HOME OF ANOTHER.

16 (B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION AND §
17 5–104(E)(2) OF THE CRIMINAL PROCEDURE ARTICLE, A UNIT OF STATE
18 GOVERNMENT OR LOCAL GOVERNMENT OR AN AGENT OR EMPLOYEE OF A UNIT OF
19 STATE OR LOCAL GOVERNMENT MAY NOT:

20 (1) COORDINATE WITH FEDERAL IMMIGRATION AUTHORITIES IN ANY
21 WAY RELATED TO CIVIL IMMIGRATION ENFORCEMENT;

22 (2) ALLOW FEDERAL IMMIGRATION AUTHORITIES TO ACCESS AN
23 AREA NOT ACCESSIBLE TO THE PUBLIC IN A BUILDING OWNED OR CONTROLLED BY
24 THE STATE OR A LOCAL GOVERNMENT;

25 (3) CONTACT FEDERAL IMMIGRATION AUTHORITIES REGARDING AN
26 INDIVIDUAL WHO MAY BE SUBJECT TO CIVIL IMMIGRATION ENFORCEMENT;

27 (4) NOTIFY FEDERAL IMMIGRATION AUTHORITIES OF AN
28 INDIVIDUAL’S RELEASE FROM A STATE CORRECTIONAL FACILITY OR LOCAL

1 CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE CORRECTIONAL
2 SERVICES ARTICLE;

3 (5) COMMUNICATE ANY INFORMATION ABOUT AN INDIVIDUAL WHO IS
4 OR MAY BE SUBJECT TO CIVIL IMMIGRATION ENFORCEMENT TO FEDERAL
5 IMMIGRATION AUTHORITIES;

6 (6) ASSIST IN THE INVESTIGATION OF THE CITIZENSHIP OR
7 IMMIGRATION STATUS OF AN INDIVIDUAL, UNLESS THE CITIZENSHIP OR
8 IMMIGRATION STATUS OF THE INDIVIDUAL IS MATERIAL TO A CRIMINAL
9 INVESTIGATION; OR

10 (7) PROVIDE FEDERAL IMMIGRATION AUTHORITIES WITH ACCESS TO
11 OR USE OF ANY FACILITY, INFORMATION, OR EQUIPMENT OWNED OR CONTROLLED
12 BY A UNIT OF STATE OR LOCAL GOVERNMENT FOR A PURPOSE RELATED TO CIVIL
13 IMMIGRATION ENFORCEMENT.

14 (C) NOTWITHSTANDING § 5-104(E)(2) OF THE CRIMINAL PROCEDURE
15 ARTICLE, A UNIT OF STATE GOVERNMENT OR A LOCAL GOVERNMENT OR AN AGENT
16 OR EMPLOYEE OF A UNIT MAY NOT:

17 (1) CONDITION THE PROVISION OF A BENEFIT, AN OPPORTUNITY, OR
18 A SERVICE ON THE CITIZENSHIP OR IMMIGRATION STATUS OF AN INDIVIDUAL
19 UNLESS OTHERWISE REQUIRED BY STATE OR FEDERAL LAW OR A COURT ORDER;

20 (2) COERCE, INTIMIDATE, OR THREATEN ANY INDIVIDUAL BASED ON
21 THE ACTUAL OR PERCEIVED CITIZENSHIP OR IMMIGRATION STATUS OF THE
22 INDIVIDUAL OR:

23 (I) THE INDIVIDUAL'S FAMILY MEMBER;

24 (II) THE INDIVIDUAL'S HOUSEHOLD MEMBER;

25 (III) THE INDIVIDUAL'S LEGAL GUARDIAN; OR

26 (IV) ANOTHER INDIVIDUAL FOR WHOM THE INDIVIDUAL IS A
27 LEGAL GUARDIAN;

28 (3) REQUIRE AN INDIVIDUAL TO PROVE THE INDIVIDUAL'S
29 CITIZENSHIP OR IMMIGRATION STATUS;

30 (4) REQUIRE AN INDIVIDUAL TO COMPLETE ANY TYPE OF
31 REGISTRATION ON THE BASIS OF RELIGION, RACE, GENDER, SEXUAL ORIENTATION,

1 IMMIGRATION STATUS, OR NATIONAL OR ETHNIC ORIGIN;

2 (5) INCLUDE QUESTIONS RELATING TO CITIZENSHIP OR
3 IMMIGRATION STATUS AS PART OF ANY ROUTINE QUESTIONING;

4 (6) REQUEST INFORMATION ABOUT OR INVESTIGATE, OR ASSIST IN
5 THE INVESTIGATION OF, THE CITIZENSHIP OR IMMIGRATION STATUS OF AN
6 INDIVIDUAL, UNLESS THE CITIZENSHIP OR IMMIGRATION STATUS OF THE
7 INDIVIDUAL IS MATERIAL TO A CRIMINAL INVESTIGATION; OR

8 (7) ENTER INTO AN INTERGOVERNMENTAL SERVICES AGREEMENT,
9 OR ANY OTHER AGREEMENT, WITH THE FEDERAL GOVERNMENT FOR ANY PURPOSE
10 RELATED TO CIVIL IMMIGRATION ENFORCEMENT.

11 (D) IF THE CITIZENSHIP OR IMMIGRATION STATUS OF AN INDIVIDUAL IS
12 RELEVANT TO A PROTECTION ACCORDED TO THE INDIVIDUAL UNDER STATE OR
13 FEDERAL LAW, OR SUBJECT TO A REQUIREMENT IMPOSED BY INTERNATIONAL
14 TREATY, A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT, OR THE AGENT
15 OR EMPLOYEE OF A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT, MAY:

16 (1) NOTIFY THE INDIVIDUAL OF THE PROTECTION OR REQUIREMENT;
17 AND

18 (2) PROVIDE THE INDIVIDUAL AN OPPORTUNITY TO VOLUNTARILY
19 DISCLOSE THE INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS FOR THE
20 PURPOSE OF RECEIVING THE PROTECTION OR COMPLYING WITH THE
21 REQUIREMENT.

22 9-102.

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROVIDING
24 ANY OF THE FOLLOWING DOCUMENTS, IF VALID, SHALL BE ACCEPTED FOR THE
25 PURPOSE OF PROVING AN INDIVIDUAL'S IDENTITY IN THE SAME MANNER THAT A
26 VALID DRIVER'S LICENSE OR STATE-ISSUED IDENTIFICATION CARD IS ACCEPTED
27 FOR THE PURPOSE OF PROVING AN INDIVIDUAL'S IDENTITY, AND MAY NOT SUBJECT
28 AN INDIVIDUAL TO A HIGHER LEVEL OF SCRUTINY OR DIFFERENT TREATMENT:

29 (1) A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY A
30 FOREIGN GOVERNMENT;

31 (2) A PASSPORT ISSUED BY A FOREIGN GOVERNMENT; AND

32 (3) A DOCUMENT ISSUED BY THE EMBASSY OR CONSULATE OF A

1 FOREIGN GOVERNMENT THAT IDENTIFIES THE INDIVIDUAL.

2 (B) THIS SECTION DOES NOT APPLY TO REQUIREMENTS FOR ESTABLISHING
3 IDENTITY ASSOCIATED WITH THE COMPLETION OF A UNITED STATES CITIZENSHIP
4 AND IMMIGRATION SERVICES I-9, EMPLOYMENT ELIGIBILITY VERIFICATION
5 FORM.

6 9-103.

7 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO THE EXTENT
8 PRACTICABLE, A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT SHALL
9 NOTIFY ANY INDIVIDUAL WHO IS THE SUBJECT OF A REQUEST OR INQUIRY MADE BY
10 FEDERAL IMMIGRATION AUTHORITIES RELATING TO CIVIL IMMIGRATION
11 ENFORCEMENT THAT THE UNIT HAS RECEIVED THE REQUEST OR INQUIRY WITHIN
12 48 HOURS AFTER RECEIVING THE REQUEST OR INQUIRY.

13 (B) IF A REQUEST OR INQUIRY DESCRIBED IN SUBSECTION (A) OF THIS
14 SECTION IS MADE IN WRITING, THE UNIT THAT RECEIVED THE REQUEST OR INQUIRY
15 SHALL PROVIDE THE INDIVIDUAL WHO IS THE SUBJECT OF THE REQUEST OR
16 INQUIRY WITH A COPY OF THE WRITTEN REQUEST OR INQUIRY WHEN PROVIDING
17 NOTICE TO THE INDIVIDUAL UNDER SUBSECTION (A) OF THIS SECTION.

18 9-104.

19 NOTHING IN THIS TITLE SHALL PREVENT A UNIT OF STATE OR LOCAL
20 GOVERNMENT, OR AN AGENT OR EMPLOYEE OF A UNIT OF STATE OR LOCAL
21 GOVERNMENT, FROM:

22 (1) RESPONDING TO:

23 (I) A REQUEST FROM FEDERAL IMMIGRATION AUTHORITIES
24 FOR INFORMATION ABOUT A SPECIFIC INDIVIDUAL'S CRIMINAL RECORD WHEN
25 REQUIRED BY STATE OR FEDERAL LAW; OR

26 (II) A LAWFUL SUBPOENA;

27 (2) SENDING TO, OR RECEIVING FROM, ANY LOCAL, STATE, OR
28 FEDERAL AGENCY INFORMATION REGARDING THE CITIZENSHIP OR IMMIGRATION
29 STATUS OF AN INDIVIDUAL WHEN REQUIRED BY STATE OR FEDERAL LAW; OR

30 (3) OTHERWISE COMPLYING WITH:

31 (I) A REQUIREMENT OF STATE OR FEDERAL LAW; OR

**(II) A JUDICIAL WARRANT, AS DEFINED IN § 5-104 OF THE
CRIMINAL PROCEDURE ARTICLE.**

Article – State Finance and Procurement

7-240.

**(A) AN OFFICER OR UNIT OF STATE GOVERNMENT MAY NOT SPEND MONEY
FROM AN APPROPRIATION, AND A PERSON THAT RECEIVES STATE FUNDS MAY NOT
USE THE STATE FUNDS, TO:**

**(1) KNOWINGLY CREATE OR MAINTAIN A REGISTRY FOR THE
PURPOSE OF DISCRIMINATING AGAINST INDIVIDUALS ON THE BASIS OF RELIGION,
RACE, GENDER, SEXUAL ORIENTATION, IMMIGRATION STATUS, OR NATIONAL OR
ETHNIC ORIGIN; OR**

**(2) KNOWINGLY PROVIDE INFORMATION TO THE FEDERAL
GOVERNMENT OR ANOTHER STATE FOR THE CREATION OR MAINTENANCE OF A
REGISTRY FOR THE PURPOSE OF DISCRIMINATING AGAINST INDIVIDUALS ON THE
BASIS OF RELIGION, RACE, GENDER, SEXUAL ORIENTATION, IMMIGRATION STATUS,
OR NATIONAL OR ETHNIC ORIGIN.**

**(B) (1) THE STATE MAY NOT REIMBURSE ANY EXPENDITURE TO THE
EXTENT THAT THE EXPENDITURE VIOLATES SUBSECTION (A) OF THIS SECTION.**

**(2) THE STATE IS NOT OBLIGATED TO APPROPRIATE MONEY TO PAY
AN EXPENDITURE THAT VIOLATES SUBSECTION (A) OF THIS SECTION.**

**(C) EACH EMPLOYEE OR OFFICER OF THE STATE GOVERNMENT WHO MAKES
AN EXPENDITURE OR RECEIVES STATE FUNDS THAT VIOLATE SUBSECTION (A) OF
THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION,
UNDER THE APPLICABLE DISCIPLINARY AND GRIEVANCE PROCEDURES IN TITLES
11 AND 12 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General, in
consultation with the appropriate stakeholders, shall develop guidelines to assist public
schools, hospitals, and courthouses to draft policies that limit civil immigration
enforcement activities on their premises in order to ensure these facilities remain safe and
accessible to all, regardless of immigration status.**

**SECTION 3. AND BE IT FURTHER ENACTED, That public schools, hospitals, and
courthouses may establish and publish policies that limit immigration enforcement on their
premises to the fullest extent possible consistent with federal and State law based on the
guidelines developed by the Attorney General.**

1 SECTION 4. AND BE IT FURTHER ENACTED, That, in order to ensure that
2 eligible individuals are not deterred from seeking services or engaging with State agencies,
3 all State agencies shall review their confidentiality policies and identify any changes
4 necessary to ensure that information collected from individuals is limited to that which is
5 necessary to perform agency duties, does not include inquiries into immigration status
6 unless required by federal law or necessary to make a determination of eligibility, and is
7 not used or disclosed for any other purpose. Any necessary changes to those policies shall
8 be made as expeditiously as possible, consistent with agency or department procedures.

9 SECTION 5. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
10 the application thereof to any person or circumstance is held invalid for any reason in a
11 court of competent jurisdiction, the invalidity does not affect other provisions or any other
12 application of this Act that can be given effect without the invalid provision or application,
13 and for this purpose the provisions of this Act are declared severable.

14 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.