

HOUSE BILL 85

L6, E2

5lr0684

(PRE-FILED)

By: **Delegate Mangione**

Requested: August 13, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **State and Local Government – Sanctuary Policies and Enforcement of Federal**
3 **Immigration Law**
4 **(Rachel Morin Act)**

5 FOR the purpose of repealing provisions of law prohibiting law enforcement agents from
6 taking certain actions related to an individual’s citizenship or immigration status;
7 prohibiting a county or municipality from adopting, enacting, or enforcing a
8 sanctuary policy; requiring a county or municipality to cooperate with federal
9 immigration authorities regarding certain individuals unlawfully present in the
10 United States; providing that a certain county or municipality is ineligible for State
11 funds until the county or municipality comes into compliance with this Act; requiring
12 the Attorney General to enforce this Act in a certain manner; and generally relating
13 to sanctuary policies and the enforcement of federal immigration law.

14 BY repealing

15 Article – Criminal Procedure
16 Section 5–104
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2024 Supplement)

19 BY adding to

20 Article – Local Government
21 Section 1–1601 through 1–1603 to be under the new subtitle “Subtitle 16. Sanctuary
22 Policies”
23 Annotated Code of Maryland
24 (2013 Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

1
2 [5–104.

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

4 (2) “Civil immigration violation” means a violation of federal civil
5 immigration law.

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

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

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

12 (ii) “Law enforcement agent” does not include an agent or employee
13 of a State correctional facility or a local correctional facility.

14 (6) “Local correctional facility” has the meaning stated in § 1–101 of the
15 Correctional Services Article.

16 (7) “State correctional facility” has the meaning stated in § 1–101 of the
17 Correctional Services Article.

18 (b) (1) In this subsection, “arrest” does not include a routine booking
19 procedure.

20 (2) Except as provided in paragraphs (3) and (4) of this subsection, a law
21 enforcement agent may not, during the performance of regular police functions:

22 (i) inquire about an individual’s citizenship, immigration status, or
23 place of birth during a stop, a search, or an arrest;

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

25 1. for the purpose of investigating the individual’s
26 citizenship or immigration status; or

27 2. based on the suspicion that the individual has committed
28 a civil immigration violation;

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

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

- 3 1. the individual's family member;
- 4 2. the individual's household member;
- 5 3. the individual's legal guardian; or
- 6 4. another individual for whom the individual is a legal
7 guardian.

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

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

- 13 (i) notify the individual of the protection or requirement; and
- 14 (ii) provide the individual an opportunity to voluntarily disclose the
15 individual's citizenship or immigration status for the purpose of receiving the protection or
16 complying with the requirement.]

17 Article – Local Government

18 SUBTITLE 16. SANCTUARY POLICIES.

19 1–1601.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14–101 OF THE
23 CRIMINAL LAW ARTICLE.

24 (C) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201
25 OF THE PUBLIC SAFETY ARTICLE.

26 (D) “LOCAL GOVERNMENT ENTITY” MEANS A GOVERNING BODY, BOARD,
27 COMMISSION, COMMITTEE, DEPARTMENT, OR LAW ENFORCEMENT AGENCY OF A
28 COUNTY OR MUNICIPALITY.

1 (E) "LOCAL GOVERNMENT OFFICIAL" MEANS AN AGENT, EMPLOYEE,
2 MEMBER, OR REPRESENTATIVE OF A COUNTY OR MUNICIPALITY.

3 (F) "SANCTUARY POLICY" MEANS A DIRECTIVE, ORDER, ORDINANCE,
4 LOCAL LAW, RESOLUTION, PRACTICE, OR POLICY, WHETHER FORMALLY ENACTED,
5 INFORMALLY ADOPTED, OR OTHERWISE EFFECTUATED, THAT:

6 (1) LIMITS OR PROHIBITS ANY LOCAL GOVERNMENT ENTITY OR
7 OFFICIAL FROM COMMUNICATING OR COOPERATING WITH FEDERAL IMMIGRATION
8 AUTHORITIES TO VERIFY OR REPORT THE IMMIGRATION STATUS OF ANY
9 INDIVIDUAL;

10 (2) GRANTS TO INDIVIDUALS UNLAWFULLY PRESENT IN THE UNITED
11 STATES THE RIGHT TO LAWFUL PRESENCE WITHIN THE BOUNDARIES OF THE STATE
12 IN VIOLATION OF FEDERAL LAW;

13 (3) VIOLATES 8 U.S.C. § 1373;

14 (4) RESTRICTS IN ANY WAY, OR IMPOSES ANY CONDITIONS ON, A
15 LOCAL GOVERNMENT ENTITY'S COOPERATION WITH DETAINERS FROM FEDERAL
16 IMMIGRATION AUTHORITIES TO MAINTAIN CUSTODY OF ANY INDIVIDUAL OR TO
17 TRANSFER ANY INDIVIDUAL TO THE CUSTODY OF FEDERAL IMMIGRATION
18 AUTHORITIES;

19 (5) REQUIRES FEDERAL IMMIGRATION AUTHORITIES TO OBTAIN A
20 WARRANT OR DEMONSTRATE PROBABLE CAUSE BEFORE COMPLYING WITH
21 DETAINERS TO MAINTAIN CUSTODY OF ANY INDIVIDUAL OR TRANSFER ANY
22 INDIVIDUAL TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES; OR

23 (6) PROHIBITS LAW ENFORCEMENT AGENCIES FROM INQUIRING AS
24 TO THE CITIZENSHIP OR IMMIGRATION STATUS OF ANY INDIVIDUAL.

25 1-1602.

26 (A) A COUNTY OR MUNICIPALITY MAY NOT ADOPT, ENACT, OR ENFORCE A
27 SANCTUARY POLICY.

28 (B) A COUNTY OR MUNICIPALITY SHALL FULLY COOPERATE WITH FEDERAL
29 IMMIGRATION AUTHORITIES REGARDING ANY INDIVIDUAL UNLAWFULLY PRESENT
30 IN THE UNITED STATES WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE.

1 **(C) A COUNTY OR MUNICIPALITY THAT VIOLATES THIS SECTION IS**
2 **INELIGIBLE FOR STATE FUNDS UNTIL THE COUNTY OR MUNICIPALITY COMES INTO**
3 **COMPLIANCE WITH THIS SECTION.**

4 **1-1603.**

5 **(A) A RESIDENT OF THE STATE THAT BELIEVES A COUNTY OR**
6 **MUNICIPALITY IS IN VIOLATION OF THIS SUBTITLE MAY SUBMIT A COMPLAINT TO**
7 **THE ATTORNEY GENERAL.**

8 **(B) ON RECEIPT OF A COMPLAINT UNDER THIS SECTION, THE ATTORNEY**
9 **GENERAL SHALL ISSUE AN OPINION STATING WHETHER THE COUNTY OR**
10 **MUNICIPALITY IS IN VIOLATION OF THIS SUBTITLE.**

11 **(C) IF THE ATTORNEY GENERAL ISSUES AN OPINION STATING THAT A**
12 **COUNTY OR MUNICIPALITY IS IN VIOLATION OF THIS SUBTITLE, THE COUNTY OR**
13 **MUNICIPALITY SHALL BE INELIGIBLE TO RECEIVE STATE FUNDS UNTIL THE**
14 **ATTORNEY GENERAL CERTIFIES THAT THE COUNTY OR MUNICIPALITY HAS COME**
15 **INTO COMPLIANCE WITH THIS SUBTITLE.**

16 **(D) A COUNTY OR MUNICIPALITY MAY APPEAL A DECISION OF THE**
17 **ATTORNEY GENERAL UNDER THIS SUBSECTION TO THE APPROPRIATE CIRCUIT**
18 **COURT.**

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