

HOUSE BILL 1130

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4lr1498

By: **Delegates Martinez, Acevero, Pena–Melnik, Taveras, and Vogel**

Introduced and read first time: February 7, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – U Nonimmigrant Status Petition – Statute of Limitations**

3 FOR the purpose of specifying that there is no statute of limitations for when a qualifying
4 criminal activity must have occurred relative to the filing of a request for certification
5 of victim helpfulness for a petition for U Nonimmigrant Status; and generally
6 relating to U Nonimmigrant Status petitions.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 11–931
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2023 Supplement)

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

Article – Criminal Procedure

14 11–931.

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

20 **[(1)] (I)** was a victim of a qualifying criminal activity and has been
21 helpful to the certifying entity in the detection, investigation, or prosecution of that
22 qualifying criminal activity;

23 **[(2)] (II)** was under the age of 16 years on the date that an act that

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 constitutes an element of qualifying criminal activity first occurred and the victim's parent,
2 guardian, or next friend has been helpful to the certifying entity in the detection,
3 investigation, or prosecution of that qualifying criminal activity; or

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

7 **(2) THERE IS NO STATUTE OF LIMITATIONS FOR WHEN A QUALIFYING**
8 **CRIMINAL ACTIVITY OCCURRED RELATIVE TO THE REQUEST FOR CERTIFICATION OF**
9 **VICTIM HELPFULNESS UNDER THIS SUBSECTION.**

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

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

19 (1) specific details about the nature of the crime investigated or prosecuted;

20 (2) a detailed description of the victim's helpfulness or likely helpfulness to
21 the detection, investigation, or prosecution of the criminal activity; and

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

24 (d) (1) Except as provided in paragraph (2) of this subsection, the certifying
25 entity shall certify or decline certification of the Form I-918, Supplement B certification
26 within 90 days after receiving a request under subsection (a) of this section.

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

31 (e) A current investigation, the filing of charges, a prosecution, or a conviction is
32 not required for a victim or the victim's parent, guardian, or next friend to request and
33 obtain the Form I-918, Supplement B certification under this section.

34 (f) A certifying official may withdraw the certification provided under this section
35 only on refusal to provide information and assistance when reasonably requested of:

1 (1) the victim; or

2 (2) the victim’s parent, guardian, or next friend if the victim was under the
3 age of 16 years on the date that an act that constitutes an element of qualifying criminal
4 activity first occurred or if the victim is incapacitated or incompetent.

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

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

9 (2) after adult petitioners for U Nonimmigrant Status or adult U
10 Nonimmigrant Status holders have provided written consent for the disclosure of the
11 information.

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.