

# HOUSE BILL 304

E4  
SB 901/20 – JPR

(PRE-FILED)

11r0767  
CF SB 88

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By: **Delegate W. Fisher**

Requested: September 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 BY adding to  
7 Article – Courts and Judicial Proceedings  
8 Section 5–527  
9 Annotated Code of Maryland  
10 (2020 Replacement Volume)

11 BY adding to  
12 Article – Criminal Procedure  
13 Section 5–104  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2020 Supplement)

16 BY adding to  
17 Article – General Provisions  
18 Section 9–101 through 9–104 to be under the new title “Title 9. Citizenship and  
19 Immigration Status”  
20 Annotated Code of Maryland  
21 (2019 Replacement Volume and 2020 Supplement)

22 BY adding to  
23 Article – State Finance and Procurement  
24 Section 7–240  
25 Annotated Code of Maryland  
26 (2015 Replacement Volume and 2020 Supplement)

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

29 **Article – Courts and Judicial Proceedings**

30 **5–527.**

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

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

9                           **Article – Criminal Procedure**

10 **5–104.**

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

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

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

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

22                   **(5) “LAW ENFORCEMENT AGENT” INCLUDES:**

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

25                           **(II) A CHIEF OF A LAW ENFORCEMENT AGENCY, AS DEFINED IN**  
26 **§ 3–101 OF THE PUBLIC SAFETY ARTICLE; AND**

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

29                   **(6) “LOCAL CORRECTIONAL FACILITY” HAS THE MEANING STATED IN**  
30 **§ 1–101 OF THE CORRECTIONAL SERVICES ARTICLE.**

31                   **(7) “STATE CORRECTIONAL FACILITY” HAS THE MEANING STATED IN**  
32 **§ 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) WITHOUT A JUDICIAL WARRANT, A STATE OR LOCAL CORRECTIONAL**  
31 **AGENT OR EMPLOYEE MAY NOT DETAIN AN INDIVIDUAL:**

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

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

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

7           (1) RESPONDING TO:

8                   (I) A REQUEST FROM FEDERAL IMMIGRATION AUTHORITIES  
9 FOR INFORMATION ABOUT A SPECIFIC PERSON’S CRIMINAL RECORD WHEN  
10 REQUIRED BY STATE OR FEDERAL LAW; OR

11                   (II) A LAWFUL SUBPOENA;

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

15           (3) OTHERWISE COMPLYING WITH:

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

17                   (II) A JUDICIAL WARRANT.

18                                   Article – General Provisions

19                                   TITLE 9. CITIZENSHIP AND IMMIGRATION STATUS.

20           9–101.

21           (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS  
22 INDICATED.

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

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

27                   (4) “HOUSEHOLD MEMBER” MEANS A PERSON WHO LIVES WITH, OR IS

1 A REGULAR PRESENCE IN, A HOME OF ANOTHER.

2 (B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION AND §  
3 5-104(E)(2) OF THE CRIMINAL PROCEDURE ARTICLE, A UNIT OF STATE  
4 GOVERNMENT OR LOCAL GOVERNMENT OR AN AGENT OR EMPLOYEE OF A UNIT OF  
5 STATE OR LOCAL GOVERNMENT MAY NOT:

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

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

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

13 (4) NOTIFY FEDERAL IMMIGRATION AUTHORITIES OF AN  
14 INDIVIDUAL'S RELEASE FROM A STATE CORRECTIONAL FACILITY OR LOCAL  
15 CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE CORRECTIONAL  
16 SERVICES ARTICLE;

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

20 (6) ASSIST IN THE INVESTIGATION OF THE CITIZENSHIP OR  
21 IMMIGRATION STATUS OF AN INDIVIDUAL, UNLESS THE CITIZENSHIP OR  
22 IMMIGRATION STATUS OF THE INDIVIDUAL IS MATERIAL TO A CRIMINAL  
23 INVESTIGATION; OR

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

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

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

1           **(2) COERCE, INTIMIDATE, OR THREATEN ANY INDIVIDUAL BASED ON**  
2 **THE ACTUAL OR PERCEIVED CITIZENSHIP OR IMMIGRATION STATUS OF THE**  
3 **INDIVIDUAL OR:**

4                   **(I) THE INDIVIDUAL’S FAMILY MEMBER;**

5                   **(II) THE INDIVIDUAL’S HOUSEHOLD MEMBER;**

6                   **(III) THE INDIVIDUAL’S LEGAL GUARDIAN; OR**

7                   **(IV) ANOTHER INDIVIDUAL FOR WHOM THE INDIVIDUAL IS A**  
8 **LEGAL GUARDIAN;**

9           **(3) REQUIRE AN INDIVIDUAL TO PROVE THE INDIVIDUAL’S**  
10 **CITIZENSHIP OR IMMIGRATION STATUS;**

11           **(4) REQUIRE AN INDIVIDUAL TO COMPLETE ANY TYPE OF**  
12 **REGISTRATION ON THE BASIS OF RELIGION, RACE, GENDER, SEXUAL ORIENTATION,**  
13 **IMMIGRATION STATUS, OR NATIONAL OR ETHNIC ORIGIN;**

14           **(5) INCLUDE QUESTIONS RELATING TO CITIZENSHIP OR**  
15 **IMMIGRATION STATUS AS PART OF ANY ROUTINE QUESTIONING;**

16           **(6) REQUEST INFORMATION ABOUT OR INVESTIGATE, OR ASSIST IN**  
17 **THE INVESTIGATION OF, THE CITIZENSHIP OR IMMIGRATION STATUS OF AN**  
18 **INDIVIDUAL, UNLESS THE CITIZENSHIP OR IMMIGRATION STATUS OF THE**  
19 **INDIVIDUAL IS MATERIAL TO A CRIMINAL INVESTIGATION; OR**

20           **(7) ENTER INTO AN INTERGOVERNMENTAL SERVICES AGREEMENT,**  
21 **OR ANY OTHER AGREEMENT, WITH THE FEDERAL GOVERNMENT FOR ANY PURPOSE**  
22 **RELATED TO CIVIL IMMIGRATION ENFORCEMENT.**

23           **(D) IF THE CITIZENSHIP OR IMMIGRATION STATUS OF AN INDIVIDUAL IS**  
24 **RELEVANT TO A PROTECTION ACCORDED TO THE INDIVIDUAL UNDER STATE OR**  
25 **FEDERAL LAW, OR SUBJECT TO A REQUIREMENT IMPOSED BY INTERNATIONAL**  
26 **TREATY, A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT, OR THE AGENT**  
27 **OR EMPLOYEE OF A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT, MAY:**

28                   **(1) NOTIFY THE INDIVIDUAL OF THE PROTECTION OR REQUIREMENT;**

29 **AND**

30                   **(2) PROVIDE THE INDIVIDUAL AN OPPORTUNITY TO VOLUNTARILY**

1 DISCLOSE THE INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS FOR THE  
2 PURPOSE OF RECEIVING THE PROTECTION OR COMPLYING WITH THE  
3 REQUIREMENT.

4 **9-102.**

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

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

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

14 (3) A DOCUMENT ISSUED BY THE EMBASSY OR CONSULATE OF A  
15 FOREIGN GOVERNMENT THAT IDENTIFIES THE INDIVIDUAL.

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

20 **9-103.**

21 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO THE EXTENT  
22 PRACTICABLE, A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT SHALL  
23 NOTIFY ANY INDIVIDUAL WHO IS THE SUBJECT OF A REQUEST OR INQUIRY MADE BY  
24 FEDERAL IMMIGRATION AUTHORITIES RELATING TO CIVIL IMMIGRATION  
25 ENFORCEMENT THAT THE UNIT HAS RECEIVED THE REQUEST OR INQUIRY WITHIN  
26 48 HOURS AFTER RECEIVING THE REQUEST OR INQUIRY.

27 (B) IF A REQUEST OR INQUIRY DESCRIBED IN SUBSECTION (A) OF THIS  
28 SECTION IS MADE IN WRITING, THE UNIT THAT RECEIVED THE REQUEST OR INQUIRY  
29 SHALL PROVIDE THE INDIVIDUAL WHO IS THE SUBJECT OF THE REQUEST OR  
30 INQUIRY WITH A COPY OF THE WRITTEN REQUEST OR INQUIRY WHEN PROVIDING  
31 NOTICE TO THE INDIVIDUAL UNDER SUBSECTION (A) OF THIS SECTION.

32 **9-104.**



1           **NOTHING IN THIS TITLE SHALL PREVENT A UNIT OF STATE OR LOCAL**  
2 **GOVERNMENT, OR AN AGENT OR EMPLOYEE OF A UNIT OF STATE OR LOCAL**  
3 **GOVERNMENT, FROM:**

4           **(1) RESPONDING TO:**

5                   **(I) A REQUEST FROM FEDERAL IMMIGRATION AUTHORITIES**  
6 **FOR INFORMATION ABOUT A SPECIFIC INDIVIDUAL’S CRIMINAL RECORD WHEN**  
7 **REQUIRED BY STATE OR FEDERAL LAW; OR**

8                   **(II) A LAWFUL SUBPOENA;**

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

12           **(3) OTHERWISE COMPLYING WITH:**

13                   **(I) A REQUIREMENT OF STATE OR FEDERAL LAW; OR**

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

16                   **Article – State Finance and Procurement**

17           **7-240.**

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

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

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

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

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

3           **(C) EACH EMPLOYEE OR OFFICER OF THE STATE GOVERNMENT WHO MAKES**  
4 **AN EXPENDITURE OR RECEIVES STATE FUNDS THAT VIOLATE SUBSECTION (A) OF**  
5 **THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION,**  
6 **UNDER THE APPLICABLE DISCIPLINARY AND GRIEVANCE PROCEDURES IN TITLES**  
7 **11 AND 12 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

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

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

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

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

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