

HOUSE BILL 866

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By: **Delegates McDonough, Elliott, Elmore, George, Impallaria, Krebs, Shewell, Smigiel, Sossi, and Stocksdale**

Introduced and read first time: February 10, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Enforcement of Federal Immigration Law by Law**
3 **Enforcement Agencies**

4 FOR the purpose of requiring each law enforcement agency in the State to enter into a
5 certain memorandum of understanding to enforce federal immigration law;
6 requiring each law enforcement agency in the State to provide certain training
7 to certain law enforcement officers; defining certain terms; and generally
8 relating to the enforcement of federal immigration law by State and local law
9 enforcement agencies.

10 BY repealing and reenacting, without amendments,
11 Article – Public Safety
12 Section 2–101(g)
13 Annotated Code of Maryland
14 (2003 Volume and 2009 Supplement)

15 BY adding to
16 Article – Public Safety
17 Section 3–508
18 Annotated Code of Maryland
19 (2003 Volume and 2009 Supplement)

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

22 **Article – Public Safety**

23 2–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (g) (1) “Law enforcement agency” means a law enforcement agency of a
2 department, county, or municipal corporation of the State.

3 (2) “Law enforcement agency” includes:

4 (i) sheriffs; and

5 (ii) similar agencies of other states and the United States.

6 **3-508.**

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

9 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN
10 § 2-101 OF THIS ARTICLE.

11 (3) “MEMORANDUM OF UNDERSTANDING” MEANS A WRITTEN
12 AGREEMENT ENTERED INTO BY THE ATTORNEY GENERAL OF THE UNITED
13 STATES AND THE STATE OR A POLITICAL SUBDIVISION OF THE STATE AS A PART
14 OF THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT
15 AGENCY’S 287(G) DELEGATION OF AUTHORITY PROGRAM UNDER § 287(G) OF
16 THE IMMIGRATION AND NATIONALITY ACT BY WHICH A LAW ENFORCEMENT
17 OFFICER OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY
18 CARRY OUT THE FUNCTIONS OF AN IMMIGRATION OFFICER AS TO THE
19 INVESTIGATION, APPREHENSION, OR DETENTION OF ALIENS WHO ARE NOT
20 LAWFULLY PRESENT IN THE UNITED STATES.

21 (B) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL ENTER
22 INTO A MEMORANDUM OF UNDERSTANDING.

23 (C) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL PROVIDE
24 APPROPRIATE TRAINING IN FEDERAL IMMIGRATION LAW TO EACH LAW
25 ENFORCEMENT OFFICER THAT WILL BE PERFORMING IMMIGRATION
26 ENFORCEMENT UNDER A MEMORANDUM OF UNDERSTANDING.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.