

**SB0791/973824/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 791  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “employees and agents of State and”; in line 8, after “exceptions;” insert “requiring employees and agents of State correctional facilities to provide a certain notice; authorizing a District Court commissioner or a judge to consider the existence of a certain request when considering whether to authorize pretrial release or set bond or bail;”; and after line 19, insert:

“BY adding to

Article – Criminal Procedure  
Section 5–201.1  
Annotated Code of Maryland  
(2025 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

**“(4) “COVERED INDIVIDUAL” MEANS AN INDIVIDUAL WHO HAS BEEN CONVICTED OF:**

**(I) A FELONY UNDER THE LAWS OF THIS STATE;**

**(II) AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED; OR**

(III) AN OFFENSE FOR WHICH THE INDIVIDUAL WAS SENTENCED TO A TERM OF INCARCERATION TO BE SERVED AT A STATE CORRECTIONAL FACILITY.

(5) “IMMIGRATION DETAINER” MEANS A WRITTEN OR ELECTRONIC REQUEST ISSUED BY A FEDERAL IMMIGRATION AUTHORITY TO REQUEST THAT ANOTHER LAW ENFORCEMENT AGENCY DETAIN A PERSON THAT IS:

(I) BASED ON PROBABLE CAUSE TO BELIEVE THAT THE PERSON TO BE DETAINED IS A REMOVABLE ALIEN UNDER FEDERAL IMMIGRATION LAW; AND

(II) ACCOMPANIED BY A FORM I-205 WARRANT OF REMOVAL/DEPORTATION OR A SUCCESSOR FORM.”;

in line 10, strike “(4)” and substitute “(6)”; after line 15, insert:

“(7) “LOCAL CORRECTIONAL FACILITY” INCLUDES:

(I) THE BALTIMORE CITY DETENTION CENTER; AND

(II) THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY THAT IS OPERATED BY THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN THE DEPARTMENT.”;

in line 16, after “(1)” insert “PARAGRAPH (2)(I), (III), (IV), AND (V) OF THIS SUBSECTION DOES NOT APPLY TO A COVERED INDIVIDUAL.

(2)”;

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in the same line, strike “**(2) AND (3)**” and substitute “**(3) AND (4)**”; in line 17, strike “**AN EMPLOYEE OR AGENT OF A STATE OR**” and substitute “**A**”; and in line 18, strike “**, IN THE COURSE OF THE EMPLOYEE’S OR AGENT’S DUTIES**”.

On page 3, in lines 9 and 12, strike “**(2)**” and “**(3)**”, respectively, and substitute “**(3)**” and “**(4)**”, respectively; strike beginning with “**AN**” in line 9 down through “**OF**” in line 10; in lines 10 and 15, in each instance, strike “**STATE OR**”; in line 10, after “**FROM**” insert “:

**(I)**”;

in line 11, after “**PROCEDURE**” insert “;**OR**

**(II) ENTERING INFORMATION INTO THE NATIONAL CRIME INFORMATION CENTER**”;

in line 15, strike “**AN EMPLOYEE OR AGENT OF**”; and after line 22, insert:

**(C) (1) THIS SUBSECTION DOES NOT APPLY TO:**

**(I) THE BALTIMORE CITY DETENTION CENTER; AND**

**(II) THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY THAT IS OPERATED BY THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN THE DEPARTMENT.**

**(2) A STATE CORRECTIONAL FACILITY SHALL PROVIDE WRITTEN NOTICE TO FEDERAL IMMIGRATION AUTHORITIES OF THE RELEASE OF AN**

(Over)

INDIVIDUAL WHO IS THE SUBJECT OF AN ACTIVE IMMIGRATION DETAINER WITHIN 48 HOURS BEFORE THE RELEASE OF THE INDIVIDUAL.

(D) (1) THE ATTORNEY GENERAL OR AN INDIVIDUAL WHO HAS BEEN SUBJECTED TO A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION TO ENFORCE THIS SECTION.

(2) IN AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR PERMANENT INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SECTION.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 23 on page 3 through line 10 on page 4, inclusive.

On page 5, strike beginning with “NOTIFY” in line 27 down through “CUSTODY” in line 28 and substitute “PROVIDE FEDERAL IMMIGRATION AUTHORITIES WITH INFORMATION ABOUT AN INDIVIDUAL OBTAINED IN THE COURSE OF THE LAW ENFORCEMENT AGENT’S DUTIES”.

On page 6, strike in their entirety lines 8 through 17, inclusive.

AMENDMENT NO. 3

On page 6, before line 18, insert:

“Article – Criminal Procedure

5–201.1.

**(A) IN THIS SECTION, “IMMIGRATION DETAINER” HAS THE MEANING STATED IN § 8-805 OF THE CORRECTIONAL SERVICES ARTICLE.**

**(B) IN ADDITION TO ANY OTHER FACTOR ALLOWED BY THE MARYLAND RULES OR COMMON LAW, A DISTRICT COURT COMMISSIONER OR A JUDGE MAY CONSIDER THE EXISTENCE OF AN IMMIGRATION DETAINER WHEN DETERMINING WHETHER TO:**

**(1) AUTHORIZE PRETRIAL RELEASE FOR A DEFENDANT CHARGED WITH A FELONY; OR**

**(2) SET BOND OR BAIL FOR A DEFENDANT CHARGED WITH A FELONY.”.**