

HOUSE BILL 1612

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CF SB 901

By: **Delegates Moon, Acevero, Atterbeary, Barve, Charkoudian, Feldmark, Fraser-Hidalgo, Kaiser, J. Lewis, Lopez, Love, Luedtke, Palakovich Carr, Shetty, Solomon, Stewart, and P. Young**

Introduced and read first time: February 17, 2020

Assigned to: Rules and Executive Nominations

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; prohibiting a unit of State
14 government or local government, or an agent or employee of a unit, from taking
15 certain actions, subject to certain exceptions; providing that a certain document shall
16 be accepted for a certain purpose under certain circumstances, subject to a certain
17 exception; requiring a unit of State government or local government to provide
18 certain notice to a certain individual who is the subject of a certain request or inquiry
19 made by federal immigration authorities; providing that nothing in this Act shall
20 prevent a certain agent or employee from responding to a certain request or sending
21 or receiving certain information; prohibiting a certain officer or unit of State
22 government from spending certain funds for a certain purpose; prohibiting the State
23 from reimbursing certain expenditures; providing that the State is not obligated to
24 appropriate money to pay a certain expenditure; providing that a certain employee
25 or officer who makes a certain expenditure or receives certain funds is subject to
26 certain disciplinary action under certain provisions of law; requiring the Attorney
27 General to develop certain policies in consultation with certain stakeholders;
28 authorizing all public schools, hospitals, and courthouses to establish and publish
29 certain policies; requiring all State agencies to review certain policies, identify

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain changes, and make certain changes at a certain time for certain purposes;
2 defining certain terms; making the provisions of this Act severable; and generally
3 relating to State and local participation in federal immigration enforcement.

4 BY adding to
5 Article – Courts and Judicial Proceedings
6 Section 5–527
7 Annotated Code of Maryland
8 (2013 Replacement Volume and 2019 Supplement)

9 BY adding to
10 Article – Criminal Procedure
11 Section 5–103
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

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

20 BY adding to
21 Article – State Finance and Procurement
22 Section 7–240
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2019 Supplement)

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

27 **Article – Courts and Judicial Proceedings**

28 **5–527.**

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

36 **(B) THE STATE MAY INDEMNIFY AN OFFICIAL OF STATE GOVERNMENT OR A**
37 **LOCAL GOVERNMENT FOR ANY COSTS ASSOCIATED WITH OR ANY JUDGMENT IN AN**

1 ACTION OR SUIT FILED BASED ON THE OFFICIAL'S REFUSAL TO PROVIDE
2 INFORMATION TO THE FEDERAL GOVERNMENT OR ANOTHER STATE THAT WILL BE
3 USED FOR THE CREATION OR MAINTENANCE OF A REGISTRY FOR THE PURPOSE OF
4 DISCRIMINATING AGAINST INDIVIDUALS ON THE BASIS OF RELIGION, RACE,
5 GENDER, SEXUAL ORIENTATION, IMMIGRATION STATUS, OR NATIONAL OR ETHNIC
6 ORIGIN.

7 **Article – Criminal Procedure**

8 **5-103.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) "CIVIL IMMIGRATION ENFORCEMENT" INCLUDES ALL EFFORTS
12 TO INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT
13 OF FEDERAL CIVIL IMMIGRATION LAW.

14 (3) "CIVIL IMMIGRATION VIOLATION" MEANS A VIOLATION OF
15 FEDERAL CIVIL IMMIGRATION LAW.

16 (4) "JUDICIAL WARRANT" MEANS A WARRANT BASED ON PROBABLE
17 CAUSE AND ISSUED BY A FEDERAL JUDGE OR A FEDERAL MAGISTRATE JUDGE THAT
18 AUTHORIZES THE ARREST OR TAKING INTO CUSTODY OF THE INDIVIDUAL WHO IS
19 THE SUBJECT OF THE WARRANT.

20 (5) "LAW ENFORCEMENT AGENT" INCLUDES:

21 (I) A LAW ENFORCEMENT OFFICER, AS DEFINED IN § 3-101 OF
22 THE PUBLIC SAFETY ARTICLE;

23 (II) A CHIEF OF A LAW ENFORCEMENT AGENCY, AS DEFINED IN
24 § 3-101 OF THE PUBLIC SAFETY ARTICLE; AND

25 (III) AN AGENT OR EMPLOYEE OF A STATE OR LOCAL LAW
26 ENFORCEMENT AGENCY.

27 (6) "LOCAL CORRECTIONAL FACILITY" HAS THE MEANING STATED IN
28 § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

29 (7) "STATE CORRECTIONAL FACILITY" HAS THE MEANING STATED IN
30 § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

31 (8) "STATE OR LOCAL CORRECTIONAL AGENT OR EMPLOYEE" MEANS

1 AN AGENT OR EMPLOYEE OF A STATE CORRECTIONAL FACILITY OR LOCAL
2 CORRECTIONAL FACILITY.

3 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO MAINTAIN
4 COMMUNITY TRUST IN MARYLAND GOVERNMENTAL OPERATIONS AND LAW
5 ENFORCEMENT BY CLARIFYING THE PARAMETERS OF STATE AND LOCAL
6 PARTICIPATION IN FEDERAL IMMIGRATION ENFORCEMENT EFFORTS.

7 (C) A LAW ENFORCEMENT AGENT MAY NOT, DURING THE PERFORMANCE OF
8 POLICE FUNCTIONS:

9 (1) INQUIRE ABOUT AN INDIVIDUAL'S CITIZENSHIP, IMMIGRATION
10 STATUS, OR PLACE OF BIRTH DURING A STOP, A SEARCH, OR AN ARREST; OR

11 (2) DETAIN, OR PROLONG THE DETENTION OF, AN INDIVIDUAL:

12 (I) FOR THE PURPOSE OF INVESTIGATING THE INDIVIDUAL'S
13 CITIZENSHIP OR IMMIGRATION STATUS; OR

14 (II) BASED ON THE SUSPICION THAT THE INDIVIDUAL HAS
15 COMMITTED A CIVIL IMMIGRATION VIOLATION.

16 (D) WITHOUT A JUDICIAL WARRANT, A LAW ENFORCEMENT AGENT MAY
17 NOT, PURSUANT TO A REQUEST BY FEDERAL IMMIGRATION AUTHORITIES MADE IN
18 RELATION TO CIVIL IMMIGRATION ENFORCEMENT:

19 (1) TRANSFER AN INDIVIDUAL TO FEDERAL IMMIGRATION
20 AUTHORITIES FOR PURPOSE OF CIVIL IMMIGRATION ENFORCEMENT;

21 (2) DETAIN AN INDIVIDUAL FOR THE PURPOSE OF CIVIL
22 IMMIGRATION ENFORCEMENT; OR

23 (3) EXCEPT AS SPECIFICALLY REQUIRED BY FEDERAL LAW, NOTIFY
24 FEDERAL IMMIGRATION AUTHORITIES OF AN INDIVIDUAL'S LOCATION, ADDRESS, OR
25 ANY OTHER INFORMATION THAT MAY BE USED TO AID FEDERAL IMMIGRATION
26 AUTHORITIES FOR THE PURPOSE OF CIVIL IMMIGRATION ENFORCEMENT.

27 (E) WITHOUT A JUDICIAL WARRANT, A STATE OR LOCAL CORRECTIONAL
28 AGENT OR EMPLOYEE MAY NOT DETAIN AN INDIVIDUAL:

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

31 (2) solely for a purpose related to civil immigration enforcement.

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

3 (1) RESPONDING TO A REQUEST FROM FEDERAL IMMIGRATION
4 AUTHORITIES FOR INFORMATION ABOUT A SPECIFIC PERSON'S CRIMINAL RECORD
5 WHEN REQUIRED BY STATE OR FEDERAL LAW;

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

9 (3) OTHERWISE COMPLYING WITH:

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

11 (II) A JUDICIAL WARRANT.

12 Article – General Provisions

13 TITLE 9. CITIZENSHIP AND IMMIGRATION STATUS.

14 9–101.

15 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
16 INDICATED.

17 (2) “CIVIL IMMIGRATION ENFORCEMENT” HAS THE MEANING STATED
18 IN § 5–103 OF THE CRIMINAL PROCEDURE ARTICLE.

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

21 (4) “HOUSEHOLD MEMBER” MEANS A PERSON WHO LIVES WITH, OR IS
22 A REGULAR PRESENCE IN, A HOME OF ANOTHER.

23 (B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION OF THE
24 CRIMINAL PROCEDURE ARTICLE, A UNIT OF STATE GOVERNMENT OR LOCAL
25 GOVERNMENT OR AN AGENT OR EMPLOYEE OF A UNIT OF STATE OR LOCAL
26 GOVERNMENT MAY NOT:

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

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

4 **(3) CONTACT FEDERAL IMMIGRATION AUTHORITIES REGARDING AN**
5 **INDIVIDUAL WHO MAY BE SUBJECT TO CIVIL IMMIGRATION ENFORCEMENT;**

6 **(4) NOTIFY FEDERAL IMMIGRATION AUTHORITIES OF AN**
7 **INDIVIDUAL'S RELEASE FROM A STATE CORRECTIONAL FACILITY OR LOCAL**
8 **CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE CORRECTIONAL**
9 **SERVICES ARTICLE;**

10 **(5) COMMUNICATE ANY INFORMATION ABOUT AN INDIVIDUAL WHO IS**
11 **OR MAY BE SUBJECT TO CIVIL IMMIGRATION ENFORCEMENT TO FEDERAL**
12 **IMMIGRATION AUTHORITIES;**

13 **(6) ASSIST IN THE INVESTIGATION OF THE CITIZENSHIP OR**
14 **IMMIGRATION STATUS OF AN INDIVIDUAL, UNLESS THE CITIZENSHIP OR**
15 **IMMIGRATION STATUS OF THE INDIVIDUAL IS MATERIAL TO A CRIMINAL**
16 **INVESTIGATION; OR**

17 **(7) PROVIDE FEDERAL IMMIGRATION AUTHORITIES WITH ACCESS TO**
18 **OR USE OF ANY FACILITY, INFORMATION, OR EQUIPMENT OWNED OR CONTROLLED**
19 **BY A UNIT OF STATE OR LOCAL GOVERNMENT FOR A PURPOSE RELATED TO CIVIL**
20 **IMMIGRATION ENFORCEMENT.**

21 **(C) A UNIT OF STATE GOVERNMENT OR A LOCAL GOVERNMENT OR AN**
22 **AGENT OR EMPLOYEE OF A UNIT MAY NOT:**

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

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

29 **(I) THE INDIVIDUAL'S FAMILY MEMBER;**

30 **(II) THE INDIVIDUAL'S HOUSEHOLD MEMBER;**

31 **(III) THE INDIVIDUAL'S LEGAL GUARDIAN; OR**

1 (IV) ANOTHER INDIVIDUAL FOR WHOM THE INDIVIDUAL IS A
2 LEGAL GUARDIAN;

3 (3) REQUIRE AN INDIVIDUAL TO PROVE THE INDIVIDUAL'S
4 CITIZENSHIP OR IMMIGRATION STATUS;

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

8 (5) INCLUDE QUESTIONS RELATING TO CITIZENSHIP OR
9 IMMIGRATION STATUS AS PART OF ANY ROUTINE QUESTIONING;

10 (6) REQUEST INFORMATION ABOUT OR INVESTIGATE, OR ASSIST IN
11 THE INVESTIGATION OF, THE CITIZENSHIP OR IMMIGRATION STATUS OF AN
12 INDIVIDUAL, UNLESS THE CITIZENSHIP OR IMMIGRATION STATUS OF THE
13 INDIVIDUAL IS MATERIAL TO A CRIMINAL INVESTIGATION; OR

14 (7) ENTER INTO AN INTERGOVERNMENTAL SERVICES AGREEMENT,
15 OR ANY OTHER AGREEMENT, WITH THE FEDERAL GOVERNMENT FOR ANY PURPOSE
16 RELATED TO CIVIL IMMIGRATION ENFORCEMENT.

17 (D) IF THE CITIZENSHIP OR IMMIGRATION STATUS OF AN INDIVIDUAL IS
18 RELEVANT TO A PROTECTION ACCORDED TO THE INDIVIDUAL UNDER STATE OR
19 FEDERAL LAW, OR SUBJECT TO A REQUIREMENT IMPOSED BY INTERNATIONAL
20 TREATY, A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT, OR THE AGENT
21 OR EMPLOYEE OF A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT, MAY:

22 (1) NOTIFY THE INDIVIDUAL OF THE PROTECTION OR REQUIREMENT;
23 AND

24 (2) PROVIDE THE INDIVIDUAL AN OPPORTUNITY TO VOLUNTARILY
25 DISCLOSE THE INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS FOR THE
26 PURPOSE OF RECEIVING THE PROTECTION OR COMPLYING WITH THE
27 REQUIREMENT.

28 9-102.

29 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROVIDING
30 ANY OF THE FOLLOWING DOCUMENTS, IF VALID, SHALL BE ACCEPTED FOR THE
31 PURPOSE OF PROVING AN INDIVIDUAL'S IDENTITY IN THE SAME MANNER THAT A
32 VALID DRIVER'S LICENSE OR STATE-ISSUED IDENTIFICATION CARD IS ACCEPTED
33 FOR THE PURPOSE OF PROVING AN INDIVIDUAL'S IDENTITY, AND MAY NOT SUBJECT

1 AN INDIVIDUAL TO A HIGHER LEVEL OF SCRUTINY OR DIFFERENT TREATMENT:

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

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

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

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

11 9-103.

12 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO THE EXTENT
13 PRACTICABLE, A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT SHALL
14 NOTIFY ANY INDIVIDUAL WHO IS THE SUBJECT OF A REQUEST OR INQUIRY MADE BY
15 FEDERAL IMMIGRATION AUTHORITIES RELATING TO CIVIL IMMIGRATION
16 ENFORCEMENT THAT THE UNIT HAS RECEIVED THE REQUEST OR INQUIRY WITHIN
17 48 HOURS OF RECEIVING THE REQUEST OR INQUIRY.

18 (B) IF A REQUEST OR INQUIRY DESCRIBED IN SUBSECTION (A) OF THIS
19 SECTION IS MADE IN WRITING, THE UNIT THAT RECEIVED THE REQUEST OR INQUIRY
20 SHALL PROVIDE THE INDIVIDUAL WHO IS THE SUBJECT OF THE REQUEST OR
21 INQUIRY WITH A COPY OF THE WRITTEN REQUEST OR INQUIRY WHEN PROVIDING
22 NOTICE TO THE INDIVIDUAL UNDER SUBSECTION (A) OF THIS SECTION.

23 9-104.

24 NOTHING IN THIS TITLE SHALL PREVENT A UNIT OF STATE OR LOCAL
25 GOVERNMENT, OR AN AGENT OR EMPLOYEE OF A UNIT OF STATE OR LOCAL
26 GOVERNMENT, FROM:

27 (1) RESPONDING TO A REQUEST FROM FEDERAL IMMIGRATION
28 AUTHORITIES FOR INFORMATION ABOUT A SPECIFIC INDIVIDUAL'S CRIMINAL
29 RECORD WHEN REQUIRED BY STATE OR FEDERAL LAW;

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

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

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

3 **(II) A JUDICIAL WARRANT, AS DEFINED IN § 5-103 OF THE**
4 **CRIMINAL PROCEDURE ARTICLE.**

5 **Article – State Finance and Procurement**

6 **7-240.**

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

10 **(1) KNOWINGLY CREATE OR MAINTAIN A REGISTRY FOR THE**
11 **PURPOSE OF DISCRIMINATING AGAINST INDIVIDUALS ON THE BASIS OF RELIGION,**
12 **RACE, GENDER, SEXUAL ORIENTATION, IMMIGRATION STATUS, OR NATIONAL OR**
13 **ETHNIC ORIGIN; OR**

14 **(2) KNOWINGLY PROVIDE INFORMATION TO THE FEDERAL**
15 **GOVERNMENT OR ANOTHER STATE FOR THE CREATION OR MAINTENANCE OF A**
16 **REGISTRY FOR THE PURPOSE OF DISCRIMINATING AGAINST INDIVIDUALS ON THE**
17 **BASIS OF RELIGION, RACE, GENDER, SEXUAL ORIENTATION, IMMIGRATION STATUS,**
18 **OR NATIONAL OR ETHNIC ORIGIN.**

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

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

23 **(C) EACH EMPLOYEE OR OFFICER OF THE STATE GOVERNMENT WHO MAKES**
24 **AN EXPENDITURE OR RECEIVES STATE FUNDS THAT VIOLATE SUBSECTION (A) OF**
25 **THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION,**
26 **UNDER THE APPLICABLE DISCIPLINARY AND GRIEVANCE PROCEDURES IN TITLES**
27 **11 AND 12 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

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

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

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

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

18 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.