

# HOUSE BILL 239

E4  
HB 1012/10 – JUD

11r0407

---

By: **Delegates McDonough, Dwyer, Kach, Kipke, Krebs, McComas, McMillan,  
O'Donnell, Ready, and Stocksdale**

Introduced and read first time: January 31, 2011

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Report and Record Immigration Status – Division of Correction and Division**  
3 **of Parole and Probation**

4 FOR the purpose of requiring a certain case record that is assembled by the Division of  
5 Correction for an inmate to include certain information on the immigration  
6 status, if any, of the inmate under certain circumstances; requiring the Division  
7 of Correction to forward certain information from a case record to the United  
8 States Immigration and Customs Enforcement Agency if the case record  
9 indicates that the individual has an immigration status; requiring the Division  
10 of Parole and Probation to forward certain information from a certain  
11 presentence investigation report to the United States Immigration and Customs  
12 Enforcement Agency if the presentence investigation report indicates that the  
13 individual who is the subject of the report has an immigration status; and  
14 generally relating to reports and records of the Division of Correction and the  
15 Division of Parole and Probation.

16 BY repealing and reenacting, with amendments,  
17 Article – Correctional Services  
18 Section 3–601(a) and 6–112(a)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2010 Supplement)

21 BY adding to  
22 Article – Correctional Services  
23 Section 3–601(f)  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2010 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Correctional Services**

3–601.

(a) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:

(1) a description of the inmate;

(2) a photograph of the inmate;

(3) the family history of the inmate;

(4) any previous record of the inmate;

(5) a summary of the facts of each case for which the inmate is serving a sentence; [and]

(6) the results of the physical, mental, and educational examination of the inmate required under subsection (b) of this section; **AND**

**(7) IF THE IMMIGRATION STATUS OF THE INMATE WAS NOT COLLECTED AS PART OF A PRESENTENCE INVESTIGATION, THE IMMIGRATION STATUS, IF ANY, OF THE INMATE.**

**(F) IF A CASE RECORD INDICATES THAT AN INMATE HAS AN IMMIGRATION STATUS, THE DIVISION SHALL FORWARD TO THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY:**

**(1) THE NAME OF THE INMATE;**

**(2) THE INFORMATION COLLECTED ABOUT THE INMATE'S IMMIGRATION STATUS; AND**

**(3) THE SUMMARY OF THE FACTS OF EACH CASE FOR WHICH THE INMATE IS SERVING A SENTENCE.**

6–112.

(a) (1) On request of a court, a parole and probation agent of the Division shall:

(i) provide the court with a presentence investigation report;

(ii) conduct other investigations; and

1 (iii) perform other probationary services.

2 (2) Except on court order, a presentence investigation report is  
3 confidential and is not available for public inspection.

4 (3) On request, a presentence investigation report shall be made  
5 available to:

6 (i) the defendant;

7 (ii) the defendant's attorney;

8 (iii) the State's Attorney;

9 (iv) a correctional facility;

10 (v) a parole, probation, or pretrial release official of this State,  
11 any other state, or the United States;

12 (vi) a public or private mental health facility located in this  
13 State or any other state if the individual who is the subject of the report has been  
14 committed, or is being evaluated for commitment, to the facility for treatment as a  
15 condition of probation; or

16 (vii) a community substance abuse treatment provider located in  
17 this State or any other state if the individual who is the subject of the report will be  
18 treated or evaluated for treatment by the provider as a condition of probation.

19 **(4) IF A PRESENTENCE INVESTIGATION REPORT INDICATES THAT**  
20 **THE INDIVIDUAL WHO IS THE SUBJECT OF THE REPORT HAS AN IMMIGRATION**  
21 **STATUS, THE DIVISION SHALL FORWARD TO THE UNITED STATES IMMIGRATION**  
22 **AND CUSTOMS ENFORCEMENT AGENCY:**

23 **(I) THE NAME OF THE INDIVIDUAL;**

24 **(II) THE INFORMATION COLLECTED ABOUT THE**  
25 **INDIVIDUAL'S IMMIGRATION STATUS; AND**

26 **(III) A SUMMARY OF THE FACTS OF THE CASE FOR WHICH**  
27 **THE INVESTIGATION IS BEING CONDUCTED.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2011.