

Md. Code, Crim. Proc. § 11-931

Section 11-931 - Certification of victim helpfulness

(a) For purposes of filing a petition with the United States Citizenship and Immigration Services for U Nonimmigrant Status, a victim or the victim's parent, guardian, or next friend may request a certifying official of a certifying entity to certify victim helpfulness on a Form I-918, Supplement B certification if the victim:

(1) was a victim of a qualifying criminal activity and has been helpful to the certifying entity in the detection, investigation, or prosecution of that qualifying criminal activity;

(2) was under the age of 16 years on the date that an act that constitutes an element of qualifying criminal activity first occurred and the victim's parent, guardian, or next friend has been helpful to the certifying entity in the detection, investigation, or prosecution of that qualifying criminal activity; or

(3) is incapacitated or incompetent and the victim's parent, guardian, or next friend has been helpful to the certifying entity in the detection, investigation, or prosecution of that qualifying criminal activity.

(b) For purposes of determining helpfulness under subsection (a) of this section, if the victim or the victim's parent, guardian, or next friend is assisting, has assisted, or is likely to assist law enforcement authorities in the detection, investigation, or prosecution of qualifying criminal activity, the victim or the victim's parent, guardian, or next friend shall be considered to be helpful, to have been helpful, or likely to be helpful.

(c) If the victim or the victim's parent, guardian, or next friend satisfies the criteria specified under subsection (a) of this section, the certifying official shall fully complete and sign the Form I-918, Supplement B certification and, with respect to victim helpfulness, include:

(1) specific details about the nature of the crime investigated or prosecuted;

(2) a detailed description of the victim's helpfulness or likely helpfulness to the detection, investigation, or prosecution of the criminal activity; and

(3) copies of any documents in the possession of the certifying official that evince the harm endured by the victim due to the criminal activity.

(d)

(1) Except as provided in paragraph (2) of this subsection, the certifying entity shall certify or decline certification of the Form I-918, Supplement B certification within 90 days after receiving a request under subsection (a) of this section.

(2) If a noncitizen victim is the subject of removal, exclusion, or deportation proceedings or subject to a final order of removal, exclusion, or deportation, the certifying entity shall certify or decline certification of the Form I-918, Supplement B certification within 14 days after receiving a request under subsection (a) of this section.

(e) A current investigation, the filing of charges, a prosecution, or a conviction is not required for a victim or the victim's parent, guardian, or next friend to request and obtain the Form I-918, Supplement B certification under this section.

(f) A certifying official may withdraw the certification provided under this section only on refusal to provide information and assistance when reasonably requested of:

(1) the victim; or

(2) the victim's parent, guardian, or next friend if the victim was under the age of 16 years on the date that an act that constitutes an element of qualifying criminal activity first occurred or if the victim is incapacitated or incompetent.

(g) A certifying entity may disclose information relating to a victim who is seeking or has obtained U Nonimmigrant Status only:

(1) in order to comply with federal law, court order, or a discovery obligation in the prosecution of a criminal offense; or

(2) after adult petitioners for U Nonimmigrant Status or adult U Nonimmigrant Status holders have provided written consent for the disclosure of the information.

(h)

(1) Except in cases of willful or wanton misconduct, a certifying entity or certifying official who acts or fails to act in good faith in compliance with this section has the immunity from liability described under § 5-643 of the Courts Article.

(2) A person who brings an action to seek enforcement of this section may not be awarded attorney's fees or costs unless the action demonstrates willful or wanton misconduct by a certifying entity or certifying official.

Md. Code, CP § 11-931

Added by 2019 Md. Laws, Ch. 422, Sec. 1, eff. 10/1/2019.

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