

SB 962 A STAFF MEASURE SUMMARY**Carrier:** Sen. Taylor**Senate Committee On Judiciary****Action Date:** 04/05/19**Action:** Do pass with amendments and requesting subsequent referral to Ways and Means be rescinded. (Printed A-Eng.)**Vote:** 6-0-1-0**Yeas:** 6 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski**Exc:** 1 - Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 3/21, 4/1, 4/5**WHAT THE MEASURE DOES:**

Directs certifying agencies to certify to United States Citizenship and Immigration Services, within specified time, victim helpfulness in detecting, investigating, or prosecuting qualifying criminal activity in response to U nonimmigrant visa (U visa) requests. Creates rebuttable presumption of victim helpfulness. Directs agencies to create written procedures for processing certification requests. Specifies certification procedures. Directs certifying agencies to report annually to Criminal Justice Commission beginning June 1, 2020. Directs the Criminal Justice Commission to submit report to interim committees of Legislative Assembly related to judiciary. Sunsets reporting requirement on January 2, 2022.

ISSUES DISCUSSED:

- Efforts of interim work group
- Intent to encourage victims to report and participate in criminal process, regardless of immigration status
- Supports law enforcement's investigation of crimes
- Certification process does not provide legal status or citizenship to a victim
- Codifies federal requirements

EFFECT OF AMENDMENT:

Makes technical changes. Substitutes the Criminal Justice Commission as agency for collection, analysis, and reporting of data from certifying agencies and removes duties directed to judiciary committee staff.

BACKGROUND:

The U nonimmigrant visa (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U visa with the passage of the Victims of Trafficking and Violence Protection Act in October 2000. The Act was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity.

Senate Bill 962 A codifies procedural requirements for certifications of U visas and provides uniform data collection requirements and centralized analysis to ensure equitable distribution of U visa certifications.