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Prince George's and
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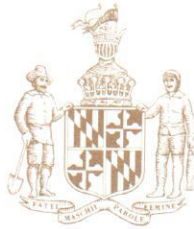
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The Maryland House of Delegates

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House Bill 388

Criminal Procedure – Civil Immigration Enforcement - Restrictions

SPONSOR TESTIMONY: Joseline Peña-Melnyk (SUPPORT)

Chair Clippinger and members of the House Judiciary Committee. Thank you for the opportunity to present to you House Bill 388, **Criminal Procedure – Civil Immigration Enforcement - Restrictions**, which will clarify the roles and responsibilities of law enforcement agencies in the State in the protection of the civil rights of ALL families from arbitrary actions by Immigration and Customs Enforcement (ICE).

HB 388 will prohibit local law enforcement from inquiring about a person's immigration status, citizenship, or place of birth during a stop, search, or arrest. It will not allow for the transfer of a person to immigration authorities unless required by federal law, and will require a judicial warrant for law enforcement to perform civil immigration enforcement.

It is imperative that members of the immigrant community feel secure in their dealings with state and local law enforcement. They should feel confident that when they fall victim to a crime that they themselves will not receive undue scrutiny when reporting the crime. They should not fear that a traffic stop for a broken tail light, for instance, could jeopardize their status. Furthermore, asking police to participate in immigration enforcement can severely damage their relationship with the community they are tasked with protecting. People should be comfortable about calling the police for whatever appropriate service they require.

ICE detainers have been determined to be in violation of the Fourth Amendment and the Tenth Amendment, in accordance with the Maryland Office of the Attorney General's *Guidance Memorandum: Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials*.

Beyond the legal issues and human costs, there is a purely financial aspect of local law enforcement cooperation with ICE. Civil immigration enforcement is the responsibility of the Federal government. No funding is provided by ICE to state or local governments to perform this work.

Maryland will not be the first state to limit cooperation between local law enforcement and ICE. California, Connecticut, and Illinois, to name just a few, already have passed their versions of this bill. New Jersey's Attorney General issued the Immigrant Trust Directive with similar provisions. The city of Boston recently strengthened their version of the policy. Other communities and states will follow suit in protection of their immigrant communities.

HB 388 is not a sanctuary bill. Immigrants who commit crimes in the state will still be prosecuted as before. Law enforcement officers will not be limited in their enforcement of Maryland laws. Valid court orders, including search or arrest warrants signed by state or federal judges, will still be enforced.

Maryland's immigrant population has contributed to the economic success of the State. They have added immensely to the cultural richness we all enjoy. I respectfully request that you afford them the security they deserve with your favorable vote on HB 388.

Thank you.