



TESTIMONY FOR HB0388
CRIMINAL PROCEDURE – CIVIL IMMIGRATION ENFORCEMENT - RESTRICTIONS

Bill Sponsor: Delegate Pena-Melnyk

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0388 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

We are your constituents who are engaged in the state legislative process. We fully support this bill, just as we support all of our neighbors, whether they are citizens or are in the process of becoming citizens. At this point in time, we spend a great deal of time focused on civil crimes. Being undocumented is a civil offense, just like exceeding the speed limit. And yet, we spend a great deal of time focused on it, so much so that our police don't have the time and resources to adequately protect us from REAL crimes.

We pay our state and local police forces out of state and local taxes. We pay separate taxes to support federal immigration enforcement. Why is it that we are using state and local taxes to support federal immigration enforcement? Is this helpful in any way to the mandate of local law enforcement? We think not.

This law basically prohibits state and local police officers from becoming federal immigration enforcers. It does not in any way make it harder for them to do their normal duties. For example, it does not preclude them from knowing if someone is on a federal watch list. If the person they have stopped has committed a crime, their name goes into a federal database, and they will show up on the police officer's computer when the officer runs their driver's license. The officer does not need to ask citizenship, country of origin or place of birth to know who to arrest. The information is readily available by simply asking for a license.

This law does not preclude ICE from doing their job either. It does require ICE to get a judicial warrant if they want to take someone into custody. Right now, ICE wants to use a detainment request. There is a difference between an ICE detainment request (a detainer) and a judicial warrant. It is not legal for local law enforcement to give someone into ICE custody without a judicial warrant. Transferring someone who was arrested into ICE custody without that warrant leaves the local jurisdiction at risk of being sued, because even though the person being transferred is undocumented, they do have legal due process rights.

She is now legally blind and disabled and is having challenges getting a new permanent resident card from the Dept of Homeland Security. She had some miscommunications with the office in Baltimore in 2017 and they are now denying her request for an updated permanent resident card. She needs a new card as a form of identification (along with her current EU passport) and to get other forms of identification like a MD State ID.

I see Catholic Charities offers immigration services and consultations--I have called to ask for more details on how they can help. Can your office also help with referrals to immigration attorneys in Maryland?

Thank you for your assistance.

Rose Greene Colby
College Park, MD