



HB1222

Public Safety – Immigration Enforcement (Maryland Values Act)

MCAA Position: **OPPOSE**

TO: Judicial Proceedings

DATE: March 25, 2025

FROM: Ryan Ross, President
Lamonte Cooke, Legislative Committee
Mary Ann Thompson, Legislative Committee

The Maryland Correctional Administrator's Association (MCAA), an organization comprised of our statewide jail wardens and administrators for promoting and improving best correctional practices, appreciates the opportunity to provide information regarding HB 1222.

As written, the proposed bill language limits the autonomy of elected officials in local jurisdictions, specifically with respect to immigration enforcement agreements. Elected Sheriffs and County Executives are directly accountable to their constituents. As such, they must be empowered to make decisions based on the specific needs and priorities of their communities. Local governments must retain the flexibility to govern and address public safety matters effectively and in a way that is most appropriate for the unique circumstances of their jurisdictions.

The bill's language would prohibit local law enforcement agencies and governments from entering into new and maintaining established immigration enforcement agreements. This undermines the ability of local authorities to respond to public safety challenges in a manner that reflects the needs of their community and does not recognize the varying public safety concerns across Maryland counties. MCAA urges amendment to redact language prohibiting new immigration enforcement agreements and the termination of existing ones, as it undermines local authority and flexibility in addressing community-specific public safety concerns.

MCAA urges an amendment to redact language prohibiting new immigration enforcement agreements and the termination of existing ones, as this undermines local authority and flexibility in addressing community-specific public safety concerns.

MCAA urges a return to the language mandating 48-hour detentions of covered individuals in the best interest of the individual, federal authorities, local law enforcement, and the broader community. A 48-hour detention gives federal authorities adequate time to prioritize and plan for the transfer of the individual, in a secure and manageable environment, avoiding unpredictable and potentially dangerous outcomes that could arise from apprehensions conducted in public spaces.

To further prevent the potential release of dangerous individuals back into the community, we recommend modifying the definition of "Covered Individual" to include individuals charged with any jailable offense and those with an existing immigration detainer issued by U.S. Immigration and Customs Enforcement (ICE). The addition of these amendments takes into

account the rapid nature of pre-trial release as well as crimes of violence unknown to local authorities.

Specifically,

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 16 INDICATED. 17 (2) “COVERED INDIVIDUAL” MEANS AN INDIVIDUAL WHO: 18 (I) IS NOT LAWFULLY PRESENT IN THE UNITED STATES IS THE 19 SUBJECT OF AN ACTIVE IMMIGRATION DETAINER REQUEST; AND 20 (II)

1. HAS BEEN CONVICTED ON OR AFTER JUNE 1, 2025,”

If this Bill is passed as written, it would result in the removal of previous lodged detainers on individuals who have been convicted of any crime (Murder, Rape etc.) prior to June 1, 2025. This retroactively dismisses any Immigration enforcement action taken prior to 2025, which would result in individuals convicted of crimes, that include Sex Offense, Assaults, Domestic Violence, Drug Offense being returned to our communities instead of being deported.

This Bill further states that Immigration Detainers could only be lodged on individuals charged with a “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14–101 OF THE CRIMINAL LAW ARTICLE”

Below is the actual Criminal Law Article:

§ 14-101. Mandatory sentences for crimes of violence.

(a) "Crime of violence" defined.- In this section, "crime of violence" means:

- (1) abduction;
- (2) arson in the first degree;
- (3) kidnapping;
- (4) manslaughter, except involuntary manslaughter;
- (5) mayhem;
- (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under § 3-402 or § 3-403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a handgun in the commission of a felony or other crime of violence;
- (15) child abuse in the first degree under § 3-601 of this article;
- (16) sexual abuse of a minor under § 3-602 of this article if:
 - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
 - (ii) the offense involved:
 1. vaginal intercourse, as defined in § 3-301 of this article;
 2. a sexual act, as defined in § 3-301 of this article;
 3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
 4. the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

- (17) an attempt to commit any of the crimes described in items (1) through (16) of this subsection;
- (18) continuing course of conduct with a child under § 3-315 of this article;
- (19) assault in the first degree;
- (20) assault with intent to murder;
- (21) assault with intent to rape;
- (22) assault with intent to rob;
- (23) assault with intent to commit a sexual offense in the first degree; and
- (24) assault with intent to commit a sexual offense in the second degree.

(b) Scope of section.- This section does not apply if a person is sentenced to death.

(c) Fourth conviction of crime of violence.-

As you can see this list does not include a considerable number of significant crimes, examples that immediately come to mind are child pornography charges, third and fourth degree sex offenses, possession of an illegal weapon and no drug charges. So, drug king pin charges or distribution of heroin would not apply. Neither would human trafficking.

The other significant concern is the section that states:

“PROVIDE NOTICE OF THE RELEASE OF A COVERED INDIVIDUAL FOR UP TO WITHIN 48 HOURS BEFORE THE RELEASE OF THE COVERED INDIVIDUAL TO FACILITATE THE TRANSFER OF THE INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES; AND TRANSFER A COVERED INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES PROVIDED THAT THE TRANSFER DOES NOT EXTEND THE TIME IN CUSTODY OF THE COVERED INDIVIDUAL BEYOND THE INDIVIDUAL’S SCHEDULED RELEASE.”

Current Federal law allows 48 hours for an individual to be picked up for an ICE detainer from a correctional facility; the proposed state law would require the correctional facility to notify ICE 48 hours before the individual is released.

The facility could not hold the individual for any length of time after they had been ordered released.

As written this bill would eliminate a majority of individuals picked up by ICE for detainers because a vast majority of individuals released from local correctional facilities are not scheduled releases that would allow for a 48-hour notification.

Anyone who posts their bond, gets released on parole, or is released from the courts for time served or court order could not be held past their release if they had an ICE detainer and would be released immediately.

Individuals who have detainers in other counties, states, and by other police agencies, including federal agencies (FBI, Marshalls, DEA, ATF), are routinely held past their release date so that they can be picked up for their detainer.

This bill would also eliminate the possibility of an individual who was convicted of a crime of violence as defined in this bill to be picked up if they get released on parole because of the 48-hour notice to ICE.

The Maryland Correctional Administrators Association strongly opposes this bill and respectfully requests that this committee issue an UNFAVORABLE REPORT on House Bill 1222.