

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1074
Judiciary

(Delegate McDonough)

Courts - Sanctuary Programs - Citizen Standing to Seek Injunction

This bill gives U.S. citizens who are residents of the State standing to file a lawsuit in an appropriate circuit court against an elected official who creates or maintains a sanctuary program in violation of the federal Immigration and Nationality Act. The standing is conveyed for a lawsuit seeking an injunction against the sanctuary program.

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources.

Local Effect: The bill can be implemented with existing local resources.

Small Business Effect: None.

Analysis

Current Law/Background: No State law specifically addresses the authority of Maryland local governments to adopt or reject sanctuary status.

“Sanctuary city” is a term applied to municipalities that have adopted policies limiting local cooperation with federal immigration authorities. Sanctuary cities and local adoption of sanctuary policies have made recent headlines in light of a January 25, 2017 federal Executive Order addressing immigration enforcement issues, including the use of state and local law enforcement.

Although recently the subject of news reports, the issue of how state and local governments address enforcement of federal immigration laws is a long-standing one. According to the

National Conference of State Legislatures, cities began adoption of sanctuary policies in 1989, with San Francisco being the first to enact such an ordinance. In 2016, at least 18 states considered legislation that would prohibit adoption of sanctuary policies or require noncompliance with immigration detainers. Georgia enacted similar legislation in 2016.

On February 6, 2017, the Howard County Council passed a bill that prohibits county employees, including police, from engaging in the enforcement of federal immigration laws. This includes assisting in immigration enforcement in the investigation or arrest of a person for a civil or criminal violation of federal immigration laws during the performance of their official duties, except as specified. The bill also contains provisions regarding inquiries into and disclosures of a person's immigration status. County Executive Allan Kittleman vetoed the bill on February 9, 2017.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); National Conference of State Legislatures; Howard County Council; CBS Baltimore; Department of Legislative Services

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mm/kdm

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