

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 599 (Senator Nathan-Pulliam)

Judicial Proceedings and Education, Health,
and Environmental Affairs

Immigration Enforcement - County Boards of Education, Public Institutions of
Higher Education, and Hospitals - Policies

This bill requires each hospital, public institution of higher education, and each local board of education to establish and publish policies that limit immigration enforcement on their respective premises to the fullest extent possible consistent with federal and State law based on guidelines developed by the Attorney General. The Attorney General must consult with appropriate stakeholders to develop these policies on or before December 31, 2019. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: Potential decrease in federal fund revenues should the bill's provisions be deemed out of compliance with federal law. State expenditures are not affected.

Local Effect: Potential decrease in federal fund revenues if local governments are deemed out of compliance with federal law. Local expenditures are not affected. **The bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: Following the 2016 Presidential election, numerous colleges and universities, fearing changes in the nation's immigration policies, have declared themselves as "sanctuary campuses." For example, the University of Pennsylvania has instituted a sanctuary campus policy that includes prohibiting U.S. Immigration and

Customs Enforcement (ICE) agents onto the campus without a warrant. However, there is no universal definition to the term “sanctuary campus,” as it does not involve a legal concept that is recognized under federal law. The University of Maryland President rejected student demands to designate the university as a sanctuary campus in 2017, stating that many of the protections demanded were already provided. For example, the Family Educational Rights and Privacy Act generally prohibits schools from releasing a student’s personal information without a student’s (or parent’s) consent absent a valid legal subpoena, warrant, or court order.

ICE currently has in place a “sensitive location” policy, which states that immigration enforcement actions at sensitive locations should generally be avoided and require either prior supervisory approval or exigent circumstances. Locations covered by the policy include colleges and universities, as well as other schools, places of worship, public demonstrations, and religious or civil ceremonies or observances.

In 2012, the U.S. Department of Homeland Security (DHS) issued the Deferred Action for Childhood Arrivals (DACA) policy (pursuant to an executive order) to allow young unauthorized immigrants who are low enforcement priorities to remain in the country. DACA does not grant an individual legal immigration status or provide a pathway to citizenship, but it does provide individuals with a temporary lawful status. To be eligible for DACA, an individual must meet specified requirements including (1) being younger than age 31 as of June 15, 2012; (2) having arrived in the United States prior to the age of 16; and (3) either being currently in school or having graduated or obtained a certificate of completion from high school, having a GED, or having been honorably discharged from the Coast Guard or Armed Forces. Individuals eligible for DACA must not have been convicted of a felony, significant misdemeanor, three or more other misdemeanors, or otherwise pose a threat to national security or public safety. In 2017, DHS rescinded the DACA program and several lawsuits were filed against the administration for terminating the program. In 2018, however, ICE announced it would accept DACA renewal applications. As of February 2019, these lawsuits were still pending.

State/Local Fiscal Effect: This analysis assumes the Attorney General develops guidelines that ensure compliance with federal law and that the specified parties fully comply with those guidelines. As such, there is no operational impact on State or local entities.

The Department of Legislative Services notes, however, that current law regarding the immigration status of specified individuals is still unsettled due to ongoing lawsuits. Pursuant to an [executive order dated January 25, 2017](#), President Trump directed the U.S. Attorney General to take appropriate enforcement action against any entity violating specified provisions of federal law or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of federal law. A subsequent executive order declared

that it is the policy of the Executive Branch to ensure that jurisdictions that fail to comply with applicable federal law do not receive federal funds, except as mandated by law. Accordingly, federal fund revenues may decrease if the bill's provisions are deemed as noncompliant with federal law.

Additional Information

Prior Introductions: None.

Cross File: HB 1273 (Delegate Wilkins, *et al.*) - Judiciary.

Information Source(s): Anne Arundel County Public Schools; Baltimore City Community College; Baltimore City Public Schools; Department of Health; Morgan State University; University System of Maryland; University of Maryland Medical System; National Immigration Law Center; Department of Legislative Services

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