

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
Senate Education, Health, and Environmental Affairs Committee

**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523

**RE:** Senate Bill 903  
Immigration Enforcement – Public Schools, Hospitals, and  
Courthouses - Policies

**DATE:** February 7, 2020  
(2/26)

**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 903. This bill requires the Attorney General to develop guidelines to assist courthouses in drafting policies that limit civil immigration enforcement activities on courthouse premises. This bill also allows courthouses to establish and publish policies that limit immigration enforcement on the courthouse premises consistent with federal and state law based on the guidelines developed by the Attorney General.

Although it is discretionary for the court to adopt and implement policies based on the guidelines established by the Attorney General, any state guidelines that could serve to impede Federal law enforcement personnel from carrying out activities that are lawful under Federal law may well be unconstitutional under the Supremacy clauses in both the U.S. and Maryland Constitutions. This bill goes beyond and is quite different from policies that prohibit state personnel from actively cooperating with or assisting Federal officials in enforcing federal law. This bill could have the consequence of barring federal officials from public courthouses because an employee believes that the guidelines drafted by the Attorney General permit such a restriction.

In addition, Article IV, §18 of the Maryland Constitution dictates that the “Court of Appeals from time to time shall adopt rules and regulations concerning the practice and procedure in and the administration of the appellate courts and in the other courts of this State.” This bill instructs the legislative and executive branches to develop guidelines for court operations, which is inconsistent with judicial independence.

cc. Hon. William Smith, Jr.  
Judicial Council  
Legislative Committee

Kelley O'Connor