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January 28, 2021

TO: The Honorable William C. Smith, Jr.
Chair, Judiciary Committee

FROM: The Office of the Attorney General

RE: SB 234 – Personal Information – State and Local Agencies – Restrictions on
Access – **Letter of Support**

The Office of the Attorney General supports the goal of SB 234 to ensure that the State and local resources are not deputized to carry out federal immigration enforcement efforts. Senate Bill 234 is a response to the U.S. Immigration and Customs Enforcement (ICE) overstepping boundaries, including with the use of data from the Motor Vehicle Administration. The bill authorizes the custodian of the Maryland Motor Vehicle Administration, or other State employee, officer, agent or contractor, to deny ICE-requested inspection of a public record that contains personal information, unless a valid warrant has been issued by a federal court or Maryland court.

A Freedom of Information Act (FOIA) requester found that ICE uses state departments of motor vehicles to obtain information provided in driver's license applications and driver history (accidents and traffic offenses) to locate particular individuals.¹ The Office of the Attorney General believes that it is not the responsibility of the Maryland Motor Vehicle Administration, or other State agencies, to carry out federal immigration enforcement.

For the reasons stated above, the Office of the Attorney General supports the principle of SB 234, that immigration enforcement should be the responsibility of the federal government and should not be delegated to the State, nor the State's Motor Vehicle Administration.

cc: Members of the Committee

¹ National Immigration Law Center, *Documents Obtained Under Freedom of Information Act How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information* (May, 2016), <https://www.nilc.org/issues/drivers-licenses/ice-dmvs-share-information/>.