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January 28, 2021

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Opposition – Senate Bill 234 – Personal Information – State and Local Agencies – Restrictions on Access

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes Senate Bill 234 and offers the following information for the Committee's consideration.

Senate Bill 234 sets out numerous provisions guiding and restricting the actions of state and local law enforcement; corrections agents; and units of state and local governments, or agents of governments relative to immigration and citizenship, and interaction with federal immigration authorities.

In particular, Senate Bill 234 would prohibit a unit of state government from providing information to federal immigration authorities in any matter related to civil immigration enforcement. Currently, law enforcement access to MDOT Motor Vehicle Administration (MDOT MVA) records occurs via the Department of Public Safety and Correctional Services (DPSCS), through either the Local Law Enforcement Dashboard (Dashboard) or the Maryland Electronic Telecommunications Enforcement Dashboard (METERS). Law enforcement access to these databases is certified by the Maryland State Police for state and local agencies, and by the Federal Bureau of Investigations for federal agencies. MDOT MVA does not control or monitor the access of approved end-users in the law enforcement systems, nor does MDOT MVA possess a viable mechanism for how to selectively limit access of its records to law enforcement as set forth in this bill.

At the Port of Baltimore, the MDOT Maryland Port Administration (MDOT MPA) works hard to accomplish its mission to increase waterborne commerce through the State of Maryland. For 12 consecutive years, the state-owned, public marine terminals at the Port of Baltimore have received a top rating on an annual security assessment from the U.S. Coast Guard, the latest coming in 2020. The Coast Guard conducts annual and thorough examinations of the Port's six public marine terminals: Dundalk, Seagirt, North Locust Point, South Locust Point (including the Maryland Cruise Passenger Terminal), Fairfield, and Masonville. For the MDOT MPA to continue its success as one of the most secure ports in the nation, the MDOT MPA needs to be able to communicate quickly and efficiently with its federal partners through information sharing.

The Honorable William C. Smith, Jr.
Page Two

Senate Bill 234 raises significant issues related to the MDOT MPA's ability to enforce and comply with federal security regulations on its terminals related to its interactions with U.S. Customs and Border Protection, the U.S. Transportation Security Administration, the U.S. Department of Homeland Security, and the U.S. Coast Guard. While the MDOT MPA does not inquire about immigration status, the MDOT MPA shares information with its federal partners for security purposes unrelated to immigration status. Unless the MDOT MPA is certain that its federal partners are not using the information for immigration enforcement, this bill would prohibit MDOT MPA, or its partners at the Maryland Transportation Authority Police, from sharing part of a public record that contains personal information, including MDOT MPA terminal visitor logs, MDOT MPA credentials, and credential applications.

Senate Bill 234 would also inhibit the MDOT Maryland Aviation Administration's (MDOT MAA) coordination with federal authorities to ensure a secure environment at the Baltimore/Washington International Thurgood Marshall (BWI Marshall) Airport. MDOT MAA partners closely with Department of Homeland Security agencies to properly vet individuals hired to work at BWI Marshall, supervise escorts of sterile areas in the airport, and conduct security threat assessments. These tasks require the MDOT MAA to routinely share personal information with federal authorities. The personal information may be used to check intelligence databases for terrorism concerns, criminal history records, and immigration databases that confirm lawful presence. The security of BWI Marshall is strengthened through cooperation and information sharing with our federal partners. This bill will hinder the MDOT MAA's ability to maximize security at BWI Marshall.

The Maryland Department of Transportation respectfully requests that the Committee grant Senate Bill 234 an unfavorable report.

Respectfully submitted,

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