

SB234 - support (individual).pdf

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January 28, 2021

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TESTIMONY IN SUPPORT OF SB234/HB23
Personal Information - State and Local Agencies - Restrictions on Access

Dear Chair Smith and members of the Judicial Proceedings Committee:

I'm writing in support of SB234. My name is Laura Atwood, and I've lived in Silver Spring (D20) for 21 years. While I'm active in a number of area organizations, I am testifying as an individual.

This letter comes from my perspective working as a home health physical therapist who drives to 5-6 homes in Montgomery County each workday.

Pragmatically speaking, I want safe roads with licensed drivers; a system that encourages this seems like a no-brainer. In 2013, Maryland made driver's licenses available regardless of immigration status, and many other states have done the same. ICE shouldn't be able to undermine what Maryland has wisely set up. When people go through the channels they're supposed to, get licenses, and then have the betrayal of it being used against them--this just discourages them from getting licenses, which surely is not in anyone's interest.

Many people's lives require driving at least some of the time, and I'm sympathetic; public transportation alone would take >11 hours (!) per workday, foul up punctuality, and not allow me to transport my work gear. Yet driving without a license is a serious offense and can be used against people by ICE. But if people can't drive or pay for frequent taxis, many aspects of their life in Maryland are limited: where they can live, where they can work, how much time they spend daily on transportation, what activities their child can participate in, whether they can attend the child's school events, even whether their kid can return to school after a medical appointment versus miss the whole day.

Yet my work is, at its core, about recognizing and supporting my patients' humanity. When I'm invited into each person's home and life, my goal is not to judge, my goal is to connect with each person and work together toward meaningful goals. This spills over: When I walk around or look at the news and lay eyes on any individual, I see someone who could be or have been my patient, someone with dignity and inherent value. I've had patients who were undocumented, patients who were documented and depended on household family who were not, and patients who were documented but whose wonderful private caregivers were not. All were human beings.

We must stop mechanisms that feed ICE detention and deportation, both of which are deadly and destructive for individuals, families, and communities. During this pandemic--which is also central to my work life--we've seen that detention can be fatal; and we know that U.S. deportations spread Covid worldwide. After people are deported, their fates are often not tracked; but organizations that have tried have found that many people are indeed killed soon after. We also know for certain the devastating psychosocial and economic effects of detention and deportation on these human beings' families and communities.

We cannot allow ICE to subvert Maryland's deeply sensible and humane policy on driver's licenses to wreak havoc on people's lives.

I therefore urge a favorable report on SB234.

Alvaro Bedoya_FAV_SB234.pdf

Uploaded by: Bedoya , Alvaro

Position: FAV



Statement of Alvaro M. Bedoya, Founding Director

Center on Privacy & Technology at Georgetown Law

Hearings on

The Maryland Driver Privacy Act (SB 234 & HB 23)

Wednesday, January 27, 2021 & Thursday, January 28, 2021

For more information, contact Alvaro Bedoya at amb420@georgetown.edu.

1. Introduction & Background

I am testifying on behalf of the Center on Privacy & Technology at Georgetown Law, where I am also a Visiting Professor of Law. The Center researches both government and corporate surveillance, particularly its impact on historically marginalized people. We advocate in favor of policies that protect privacy for everyone. We urge the Senate to pass the Maryland Driver Privacy Act (SB 234) to protect all Marylanders from warrantless searches and face scans by federal immigration enforcement.

I have researched and crafted policy around the government's access to people's private information for over a decade. In 2011, I was named Chief Counsel to the U.S. Senate Judiciary Subcommittee on Privacy, Technology & the Law, where I organized the Subcommittee's oversight on the National Security Agency, the Federal Bureau of Investigation, the Department of Justice, as well as companies like Apple, Google, Facebook, and Netflix.

In 2014, I founded the Center on Privacy & Technology at Georgetown Law. The Center has focused its research on: (1) government use of face recognition technology, and (2) immigration enforcement's massive investments in surveillance and data-sharing. We have written four reports on face recognition technology.¹ Among other things, those reports led Congress to enact the first federal law mandating bias-testing in an artificially intelligent federal system, and triggered a field-defining study by the National Institute of Standards and Technology that verified the existence of deep race, gender, and age bias in most face recognition systems.² We regularly consult with Democratic and Republican state legislators and members of Congress.

My wife and I live in Rockville, Maryland (District 19), with our two children.

2. Immigrants trust the MVA with their data. ICE's unfettered access to it betrays that trust.

In 2013, the General Assembly passed the Maryland Highway Safety Act, extending eligibility for driver's licenses and identification cards to all Marylanders, regardless of their immigration status. The legislation was a watershed for immigrants in our state, who no longer had to choose between obeying the law and driving a car to meet their basic needs. "I'll be able to go to school, go to work and visit my family," one Baltimore teen told the *Sun*, explaining how hard it had been to shuttle between two restaurant

¹ See Clare Garvie, Alvaro M. Bedoya, and Jonathan Frankle, *The Perpetual Line-Up: Unregulated Face Recognition in America* (Center on Privacy & Technology at Georgetown Law, 2016); Harrison Rudolph, Laura Moy, and Alvaro Bedoya, *Not Ready for Take-Off: Face Scans at Airport Departure Gates* (Center on Privacy & Technology at Georgetown Law, 2017); Clare Garvie, *Garbage In Garbage Out: Face Recognition on Flawed Data* (Center on Privacy & Technology at Georgetown Law, 2019); and Clare Garvie and Laura Moy, *America Under Watch: Face Surveillance in the United States* (Center on Privacy & Technology at Georgetown Law, 2019).

² See Section 1919 of the FAA Reauthorization Act of 2018; Patrick Grother, Mei Ngan & Kayee Hanaoka, *Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects* (National Institute of Standards & Technology, 2019) at 1.

jobs and community college classes without a license.³ By August 2014, close to 40,000 Marylanders had filed proof of two years' of tax payments and passed the necessary exams to get a new license or learner's permit.⁴

Unfortunately, not even a year after the MVA began accepting applications from undocumented Marylanders, it became clear that Immigration and Customs Enforcement (ICE) agents were accessing their information. In August 2014, residents of the Melvin Park Apartments in Catonsville reported that ICE agents were stopping nearby cars with the names or license photos of undocumented drivers in hand. In one case, they arrested the father of a three-year-old boy; the father had no criminal record beyond his prior attempts to cross the border.⁵

This happened again in February of last year in Rockville. In this instance, ICE agents knocked on the door of Maribel Cortez and José Santos Quintero, immigrants from El Salvador who have lived here for decades without any run-ins with the police or immigration authorities. One of their five children answered. The ICE agents quickly entered, arrested their father, and took him away. The agents told Mr. Quintero that they had found him using his license data.⁶

Around that time, the *Sun* and the *Washington Post* confirmed that ICE agents weren't just searching through Maryland drivers' addresses – they were also running face recognition searches on the photos of all 7 million Maryland drivers. The Department of Public Safety and Correctional Services (DPSCS) disclosed this information only after Senators Susan Lee and Clarence Lam, and Delegates Dana Stein and Joseline Peña-Melnyk wrote to the agency to ask for the information.⁷

DPSCS admitted that between 2018 and 2019, ICE agents logged 56 sessions inside the MVA system.⁸ DPSCS did not disclose the number of face scans conducted during each of these sessions, apparently because the Maryland Image Repository System (MIRS), Maryland's face recognition database, did not track that information. In other words, *DPSCS appears to have no idea of how many searches ICE has run and continues to run on Maryland drivers' faces.*

When Marylanders give the MVA their names, addresses, dates of birth, and sit for a license photo, they trust that the MVA, and by extension, our state government, will be careful stewards of that data. In this sense, getting a license is a true leap of faith for our undocumented neighbors, who volunteer their data despite the fact that its release could result in their deportation. By giving ICE unimpeded, warrantless access to scan

³ Pamela Wood, "Thousands of immigrants seek drivers licenses," *The Baltimore Sun*, Dec. 31, 2013.

⁴ John Fritze, "Raid spurs fear of driver's licenses among immigrants," *The Baltimore Sun*, Sep. 20, 2014.

⁵ *Ibid.*

⁶ Erin Cox, "Gov. Hogan opposed to ending ICE's warrantless access to driver's license database," *The Washington Post*, Feb. 27, 2020.

⁷ Kevin Rector, "ICE has access to Maryland driver's license records. State lawmakers want to limit it," *The Baltimore Sun*, Feb. 26, 2020; Drew Harwell and Erin Cox, "ICE has run facial-recognition searches on millions of Maryland drivers," *The Washington Post*, Feb. 26, 2020.

⁸ DPSCS Letter to Senators Lee and Lam and Delegates Stein and Peña-Melnyk, November 21, 2019.

Marylanders' faces and search through their data, our government betrays that trust. It also endangers *all* Marylanders, citizens and non-citizens alike.

3. Maryland's face recognition system is uniquely open and vulnerable to abuse by ICE.

At least 20 other states allow Federal Bureau of Investigation (FBI) agents to request scans of driver's license photographs.⁹ From our review of documents from dozens of FOIA requests, Maryland appears to be unique in allowing *any* law enforcement officer, anywhere in the country, to login directly and scan drivers' faces so long as they hold National Crime Information Center (NCIC) credentials. That is an unprecedented level of access for federal agents, including ICE deportation officers.

What's more, while nine other jurisdictions have enacted laws or policies requiring ICE to obtain a court order before obtaining license information from the DMV (i.e. California, Colorado, District of Columbia, Hawaii, New York, New Jersey, Oregon, Vermont, Washington), or requiring any law enforcement agency to get a court order prior to a face recognition search (Washington), Maryland has no such requirement. Instead, the MIRS merely requires that users access the system only for "law enforcement investigatory purposes." However, DPSCS does not seem to have any way to enforce this *de minimis* standard.

In fact, as of December 2017, DPSCS did not have any audit or review process for its face recognition system.¹⁰ In a November 2019 letter, the agency told Senators Lee and Lam and Delegates Stein and Peña-Melnik that a "user's search results are saved under their session and are not available to any other user."¹¹

In other words, DPSCS built a system that can automatically scan the faces of millions of Maryland drivers – and handed the keys to that system to ICE agents around the country, knowing that the Department would be unable to audit their searches or prevent abuse and misuse.

4. ICE face recognition searches endanger all Marylanders, not just immigrants.

One morning in April 2019, a college senior from Baltimore, Amara Majeed, woke up to 35 missed calls. The frantic messages informed her that she had been falsely identified as a suspect in the recent terror attacks in Sri Lanka, home to her extended family. The authorities there would later tell the *Boston Globe* that the false ID had stemmed from a mistake made by face recognition software.¹² American law enforcement officials have

⁹ These states include Alabama, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kentucky, Michigan, Nebraska, New Mexico, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Texas, and Utah.

¹⁰ See DPSCS Letter to Chairman Kasemeyer and Chairman McIntosh, December 1, 2017.

¹¹ See *supra* footnote 8.

¹² See Jeremy C. Fox, "Brown University Student Mistakenly Identified as Sri Lanka Bombing Suspect," *Boston Globe*, April 28, 2019.

made similar mistakes. Just in 2020, press reports confirmed that three innocent Black men had been wrongfully arrested as a result of faulty face recognition searches.

Ms. Majeed and these three gentlemen have something in common: they are all people of color, a demographic that research has consistently shown is prone to misidentification by many popular face recognition algorithms.¹³ In Ms. Majeed's case, she is also a young woman, and research has verified that face recognition systems are more likely to misidentify women rather than men, and young or old people rather than the middle-aged. Indeed, a December 2019 study triggered by the Center's research, the National Institute of Standards and Technology conducted a review of 189 algorithms from 99 companies and found race, age, and gender disparities to be pervasive, albeit not universal.¹⁴

These biases make ICE's face recognition searches a direct threat to all Marylanders, not just immigrants. When it comes to ICE face scans, the operative question is not "Are you an undocumented immigrant?" The question is: "Does a biased algorithm *think* you *look like* an undocumented immigrant?"

5. We have no idea how often ICE searches Maryland drivers' data.

There appear to be no public statistics, anywhere, for how often ICE agents search for Maryland drivers' names, addresses, or license numbers *outside* of a face recognition search through the Nlets network. MVA and DPSCS do not disclose any of this data. In fact, the Department has recently received a public information request from our Center and a separate letter from Sen. Lam asking that it release the number of times ICE has run Nlets searches on Marylanders' license information. Strangely, the Department referred the Center's query to the Maryland State Police, and sent Sen. Lam's query to the MVA.

This stonewalling is not acceptable. ICE's use of a Maryland state system to find and deport Marylanders cannot be cloaked in secrecy. What's more, information about ICE searches of these systems should be pushed out regularly, automatically, and as a regular function of agency business – not solely in response to official requests from Maryland legislators.

6. The Maryland Driver Privacy Act will protect Marylanders' data from warrantless ICE searches.

The Maryland Driver Privacy Act (SB 234) will put in place four common sense privacy protections for Marylanders' data held by the MVA or other state agencies. The bill will:

¹³ Patrick Grother, Mei Ngan & Kayee Hanaoka, *Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects* (National Institute of Standards & Technology, 2019)

¹⁴ *Ibid.*

- Require that federal agents enforcing immigration law get a warrant before they scan Marylanders' photos or search their data held by the MVA or other state agencies.
- Prohibit private companies who receive Marylanders' data or photos from the MVA or other state agencies from selling or sharing that information to federal agents enforcing immigration law – unless if they are presented with a warrant.
- Require state agencies to report annually on the number of these requests they receive, the number that were accompanied by warrants or court orders, and the number of requests they answered and complied with.
- Prohibit ICE from having direct access to Maryland government databases (reinforcing the rule that they present a warrant to state officials to get Marylanders' information), and prohibit other law enforcement agents from accessing Maryland databases in order to enforce immigration law – unless if the database operator is presented with a warrant.

By explicitly stating that ICE and CBP agents *can* obtain Marylanders' data if they get a warrant, this bill makes it clear that serious criminal investigations can go forward without undue impediment.

7. The Maryland Driver Privacy Act will bring Maryland in line with state and federal best practices.

The Maryland Driver Privacy Act provisions will bring Maryland in line with best practices on how to protect licensed drivers who are undocumented. As discussed above, nine jurisdictions who offer undocumented residents driver's licenses now require warrants before they surrender DMV data to immigration enforcement. This bill will make Maryland the tenth jurisdiction to apply that standard (the ninth state, not counting D.C.), and also add protections against middlemen and against data held by agencies other than the DMV, like the laws in New York and the District of Columbia, respectively.

While there is no such thing as a federal DMV, similar protections apply for information given to the U.S. Census. By statute, the government is prohibited from using Census data for general law enforcement.¹⁵ To be crystal clear, ICE is walled off from accessing Census data.

Federal and state governments have recognized that some information must be protected from their own law enforcement agencies in order to discharge other government duties, like ensuring an accurate Census count, or, in this instance, ensuring safe roads for all drivers.

¹⁵ See 13 U.S.C. §8(c) ("In no case shall information furnished under this section be used to the detriment of any respondent or other person to whom such information relates, except in the prosecution of alleged violations of this title.").

8. Conclusion

Year after year, Maryland distinguishes itself as a leader in protecting all of its residents, regardless of their immigration status. But it is not enough to make our *state* government a welcoming and fair system for our immigrant community. We also need to take affirmative steps to protect them from invasions by the federal government. This is our chance to protect Maryland immigrants and make roads safer for *all* Maryland drivers -- while preventing ICE from treating our driver's license data as a deportation goldmine. What's more, given the consistent bias in face recognition, this bill will protect all Marylanders from a deeply flawed technology.

We urge you to vote in favor of the Maryland Driver Privacy Act.

SB234_LatinoCaucus_FAV.pdf

Uploaded by: Caucus, MD Latino

Position: FAV



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TO: Senator William C. Smith Jr, Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members
FROM: Maryland Legislative Latino Caucus (MLLC)
DATE: January 28, 2021
RE: SB234 Personal Information – State and Local Agencies –
Restrictions on Access

The MLLC supports SB234 Personal Information – State and Local Agencies – Restrictions on Access.

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB234.

The U.S Immigration and Customs Enforcement (ICE) is responsible for identifying and eliminating cross-border crime and any threats to national security and public safety. For their operations, they often use databases such as criminal justice networks and driver and transportation records to obtain information about a person, such as their home address or license plate number. In our case, ICE has accessed Marylanders' personal information through the Motor Vehicle Administration (MVA).

ICE has run [facial recognitions](#) on millions of Maryland drivers. When the Maryland General Assembly passed legislation to grant undocumented immigrants the ability to obtain a driver's license (many who are Latinos), federal agents gained access to personal data and used facial recognition technology to target individuals who have these specific driver's licenses. This is a very concerning piece of information, as this would mean that this agency has unlimited access to drivers' photos without the knowledge or consent of the drivers. The agency has already acted on this access to find non-criminal undocumented Marylanders.

SB234 prohibits state agencies from sharing facial recognition and personal information to U.S Immigration and Customs Enforcement (ICE) for purposes of civil immigration and criminal immigration enforcement without a valid warrant issued by a federal court or a court of this state. Additionally, the MVA must report to the Maryland General Assembly on the requests received from ICE.

A notion of security and restriction needs to be established, since when information as sensitive as this becomes exposed, the hopes and dreams of many members of the immigrant community are left to perish.

The MLLC supports this bill and urges a favorable report on SB234.

SB0234 Testimony Driver Privacy.pdf

Uploaded by: Cocke, Abigail

Position: FAV



Many struggles, one mission.

Testimony SUPPORTING SB0234

January 24, 2021

Dear members of the Judicial Proceedings Committee,

My name is Abby Cocke and I am a resident of Baltimore City in District 43 and a strong supporter of HB0023. On behalf of Baltimore for Border Justice, a local advocacy and aid organization, I am submitting this testimony to urge you to SUPPORT SB0234, *Personal Information - State and Local Agencies - Restrictions on Access*.

When the state of Maryland encourages its residents to take certain actions for the public good, like getting a driver's license before getting on the road, we need to be able to trust that it is in fact safe and beneficial to do so. By opening driver's licensure to undocumented immigrants in 2013 and then sharing access to Maryland Vehicle Administration databases with U.S. Immigration & Customs Enforcement, the state has severely violated that trust.

Formed in the paranoid days after the 9-11 attack, when an enormous increase in government force and reach was seen as necessary, the agency has only become less accountable and more insidious in recent years. Its documented activities include warehousing people in deplorable conditions for long periods of time, denying detainees medical treatment, numerous reports of physical and sexual abuse, dozens of deaths of people in their "care", separating thousands of children from their parents, sterilizing dozens of people without their consent, making a mockery of the right to representation, and sending asylum-seekers back to situations where they face persecution and death for their beliefs or identities. Allowing ICE to access Maryland driver's license information has directly led to members of our community being picked up by this dangerous agency.

Making a bad situation even worse is the method of ICE's surveillance of our databases – facial recognition software. This methodology has been shown to produce false positives as much as 100 times more frequently for people of color than for white people, and raises the specter that people who are not even the intended targets of ICE will be swept up in their raids. Well over a thousand people who have U.S. citizenship status have been detained by ICE since the agency's inception, sometimes remaining locked up for months or even years as they attempt to prove their right to be in this country.

The truth is, there is no such thing as an "illegal" human being, and NO ONE should live in fear of being ripped from their home simply because of their inability to access our broken and byzantine system of formal immigration. The state of Maryland owes a debt to those people who have already been harmed by our shameful collaboration with ICE, and must act now to avoid deepening that debt any further.

Thank you for your attention and for doing the right thing.

Sincerely,

Abby Cocke
Co-founder, Baltimore for Border Justice
Bmore4BorderJustice@gmail.com
443-631-0432

Support of SB234 - MVA Data Privacy- Steve Eckstra

Uploaded by: Egan, Ashley

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Shared Voices for Liberal Religious Values in Maryland

Testimony in Support of SB 234 (HB 23) - Personal Information - State and Local Agencies - Restrictions on Access

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Steve Eckstrand, Member, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: January 28, 2021

As a 40-year resident of Maryland, I am writing to urge the committee to support SB 234, which would deny access by federal agencies to any personal or photographic information held by state or local agencies for the purpose of immigration enforcement without a valid judicial warrant (which would provide some measure of monitoring and accountability).

Personal and photographic information is widely known to misidentify people --- particularly persons of color (including Native Americans, African Americans, Asian Americans, and others) --- and most facial recognition software used by police departments and federal agencies has been found by the National Institute of Standards and Technology to be inherently biased.

Despite the bias, U.S. Immigration and Customs Enforcement (ICE) is being given access to, and is using, such facial recognition technology to sift through millions of state driver's license records for the purpose of identifying targets for immigration detention and deportation. This has a number of unfortunate results, including undermining efforts by states to promote law enforcement and safety. For example, beginning in 2013, the State of Maryland has been encouraging immigrants to obtain a driver's license as part of a program to ensure cooperation between the immigrant community and law enforcement and to ensure road safety. Such important efforts could be substantially impaired if ICE is continued to obtain Maryland's records without judicial warrants.

The use of such biased technology without judicial authorization is dangerous and violative of all Marylanders' right to privacy. Unless it is stopped, fear among our immigrant neighbors will continue to increase, and will lead to less cooperation between immigrant communities and law enforcement agents --- making all Maryland communities less safe. SB 234 would help to offset such abuses and consequences, and would help all of society.

Government practices such as ICE's obtaining and using state drivers' licenses without warrants are contrary to one of the core principles of my Unitarian Universalist faith --- the inherent worth and dignity of every person --- and unfairly infringe upon citizens' right to privacy. I urge the committee to vote in favor of SB 234.

Respectfully,

Stephen Eckstrand

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

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Testimony in Support of SB 234 - MVA Data Privacy

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Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Shared Voices for Liberal Religious Values in Maryland

Testimony in Support of SB 234 (HB 23) - Personal Information - State and Local Agencies - Restrictions on Access

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: January 28, 2021

Thank you for the opportunity to provide written testimony in support of SB 234 (HB 23) which denies access by federal agencies to any personal or photographic information held by state or local agencies for the purpose of immigration enforcement without a valid judicial warrant.

We have all seen the Hollywood thrillers where law enforcement agents, racing against time, scan the faces of every passenger at Grand Central Terminal, a computer screen whizzing through images until a match is found and agents swoop down and capture the terrorist averting a catastrophe. The problem, of course, is that Hollywood isn't Howard or Harford counties and federal studies have shown that facial recognition systems routinely misidentify people of color – African Americans and Asian Americans – 10 to 100 times more than Caucasian Americans.

The National Institute of Standards and Technology has found that most facial recognition software used by police departments and federal agencies is inherently biased, falsely identifying African American and Asian faces at alarming rates when compared to white Americans, with the greatest error rate among Native Americans.

Despite the bias, U.S. Immigration and Customs Enforcement (ICE) is using the technology to sift through millions of state driver's license databases to identify targets for immigration detention and deportation. Maryland's encouragement of immigrants' obtaining driver's license, which began in 2013 as a measure to ensure cooperation between the immigrant community and law enforcement and to ensure road safety, could be turned on its head if we allow the unintended consequence of ICE trolling our records without judicial warrants to continue.

The use of biased technology to locate Marylanders regardless of their status is dangerous and violates our right to privacy. It will engender continued fear among our immigrant neighbors and lead to less cooperation between immigrant communities and law enforcement agents, thus making all Maryland communities less safe.

I understand that the Trump administration has retaliated against states such as New York for their attempts to limit cooperation with ICE. But limiting access to facial recognition services is more general, not specific to immigration and should not face the same retaliatory action.

It is important to note that:

- Access to MVA data in MD is one of the least restrictive among the states
- The National Immigration Law Center's study based on FOIA requests shows that DHS has no clear policies about how ICE uses driver information or controls on the security of

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the data that ICE keeps. (For example, two ICE users saved data from searches for more than 2 years.)

- Without warrants there is a lack of monitoring, accountability
- MD MVA does not notify individuals that its data may be used by ICE. It should, particularly as it encourages immigrants to obtain driver licenses to enhance traffic and road safety, thus creating a “bait and switch” environment.

I share my faith with more than 4000 Unitarian Universalists in Maryland and all of us affirm the inherent worth and dignity of every person. The indiscriminate use of obviously biased, routinely incorrect facial recognition software runs counter to this value and our constitutional right to privacy, to be secure in one's person without cause and the oversight of a judicial warrant.

I urge you to vote in favor of SB 234.

Thank you for your consideration.

Jim Caldiero

Ellicott City, MD 21043

Email: immigration@uulmmd.org

Unitarian Universalist Legislative Ministry of Maryland, 333 Dubois Rd., Annapolis, MD 21401, (410) 266-8044, info@uulmmd.org

Sources:

ICE Agents Buy Driver License Data To Track Immigrants, 12/3/2019, Quartz

<https://qz.com/1760046/ice-bought-state-driving-records-to-track-undocumented-immigrants/>

Gold Mine --

<https://www.zdnet.com/article/fbi-and-ice-are-using-dmv-gold-mine-for-facial-recognition-scans/>

ICE Should Get Warrant or Subpoena for State Records

<https://www.nilc.org/issues/drivers-licenses/ice-dmvs-share-information/>

Seattle

<https://www.governing.com/topics/public-justice-safety/gov-immigrant-drivers-licenses-ICE-washington.html>

New Mexico (Slate)

<https://slate.com/technology/2020/09/palantir-ice-deportation-immigrant-surveillance-big-data.html>

Maryland (Washington Post)

<https://www.washingtonpost.com/technology/2020/02/26/ice-has-run-facial-recognition-searches-millions-maryland-drivers/>

New York

a. https://www.thedailystar.com/news/local_news/state-wants-dmv-info-kept-from-ice/article_6095e570-ac58-5cc7-98c9-c7e6b1baeb19.html

b. <https://www.democratandchronicle.com/story/news/politics/albany/2019/12/17/ice-border-patrol-cut-off-new-york-dmv-database/2675218001/>

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Wrongful Arrests

[ICE wrongly arrested over 1,000 US citizens in recent years: report | TheHill](#)

Reliability of Facial Recognition Software

[The Major Concerns Around Facial Recognition Technology \(forbes.com\)](#)

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd [www.Twitter.com/uulmmd](https://www.twitter.com/uulmmd)

Legislative Testimony 234.pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:
SB234

I strongly support Senator Clarence Lam's Senate Bill 234, which will protect Marylanders from Immigration and Customs Enforcement. ICE was shown to be a fascist entity during the Trump Administration and committed numerous foul deeds during the Obama and Bush Administration as well. Until ICE is abolished, we must protect our state's residents from their cruelty.



By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

In favor SB0234.pdf

Uploaded by: Emmanuelle, Colline

Position: FAV

January 26, 2021

Dear Senator Lam,

I am writing to you in favor of Bill SB0234 to limit ICE's ability to access the Maryland Vehicle Administration's (MVA) database and information.

The legislation extending driving privileges for immigrants was to increase community safety. Without regulating ICE's access to MVA's data, it directly goes against community safety values by not protecting all immigrants, who are an important part of our communities here in Maryland.

ICE has only become less accountable and more insidious in recent years. Its documented activities include warehousing people in deplorable conditions for long periods of time, denying detainees medical treatment, physical and sexual abuse, scores of deaths of people in their "care", separating thousands of children from their parents, sterilizing dozens of people without their consent, making a mockery of the right to representation, and sending asylum-seekers back to situations where they face persecution and death for their beliefs or identities.

This bill would help protect our neighbors who already have the legal privileges to drive and should not have to worry that their information allowing them to do that could lead to being detained or deported.

Immigrants are a valued and important part of our community and should be protected, which is why I am writing in favor of Bill SB0234.

Thank you,

Colline Emmanuelle
Maryland resident and community member

CASA_FAV_SB234.pdf

Uploaded by: Escobar, George

Position: FAV



Testimony in SUPPORT of SB234

Personal Information - State and Local Agencies - Restriction on Access

George Escobar, on behalf of CASA

Senate Judicial Proceedings Committee

January 27, 2021

Dear Chairman Smith and Members of the Judicial Proceedings Committee,

CASA is pleased to provide favorable testimony of Senate Bill 234, Personal Information - State and Local Agencies - Restriction on Access. CASA is the largest immigrant services and advocacy organization in the mid-Atlantic region and in Maryland, with a membership of over 100,000 black and brown immigrants and working families. CASA provides a variety of services for immigrants across the state.

SB234 is critical to fulfill the Maryland General Assembly's promise to undocumented Marylanders that they could safely get a driver's license. In 2013, the Maryland legislature passed the Maryland Highway Safety Act that allowed undocumented residents of Maryland to obtain a driver's license. This critical bill allowed for undocumented immigrants to obtain a driver's license to be used for limited purposes. The Maryland Highway Safety Act made it possible for the Motor Vehicles Administration to administer written and road tests to undocumented drivers, allowing for insurance companies to issue them liability coverage. In addition to purposes of public safety, the allowed for undocumented residents to drive to work, drop their kids off at school, go to the doctor, and navigate the responsibilities of everyday life that require driving, without being forced to break the law.

After the Maryland Highway Safety Act¹ was passed, with the promise from legislators that undocumented immigrants would be able to get a license safely, CASA began working with our membership and the broader undocumented community to support with applying for driver's licenses through our driver license and tax program. Our programs have led to hundreds undocumented immigrants sharing their personal information with the MVA.

Considering CASA's deep history and involvement in both pushing efforts for legislation to allow undocumented immigrants to obtain a license and leading programming to see it through in practice, news that ICE has been using drivers license data to target and deport immigrants has been extraordinarily painful. CASA members that have trusted that their personal information would not be shared, have found themselves targeted, arrested, detained and deported by ICE. While stories began rolling from CASA members, reports began to appear about ICE agents harassing and detaining undocumented residents in

¹ <http://mgaleg.maryland.gov/2013RS/bills/sb/sb0715T.pdf>

Catonsville. The agents were pulling over vehicles near an apartment complex, already knowing the name of the registered driver. The only time these residents had provided their name or address to a government system was when registering for a Maryland driver's license.²

The unfathomable decision for ICE to exploit Maryland's efforts to increase community safety by mining the information that the MVA collects about registered drivers to find people to detain and deport has lasting impacts on the immigrant community as a whole. As this legislature well knows, the impact of ICE enforcement is often catastrophic not only for the person being deported and their loved ones, but for the extended community to which that family belongs. Those who are detained and deported will often be forced to return to countries that they left to escape violence, or where they have no ties. Detention and deportation take children away from their parents, workers from the economy, and sense of safety and security from the entire community.

275,000 undocumented immigrants comprise of 29 percent of the immigrant population and 5 percent of the total state population in Maryland.³ ICE's ability to use data from the MVA and other local agencies has forced this large group of Maryland residents to once again be left in the unfortunate position that they were in before the Maryland Highway Safety Act was passed - and for those with licenses, an even worse position that puts them at risk of deportation. Since arrests started happening several years ago, CASA's membership has consistently identified driver privacy protections as a top priority that would transform their lives.

This bill would remove the hesitation that prevents some undocumented Marylanders from obtaining a drivers license. A large number of CASA members and the broader undocumented community in Maryland that are eligible for a license want to get one. These people want to follow the rules and are in need of a form of identification, but they are rightfully hesitant to obtain their license because they are aware that ICE has unfettered access to the MVA database. As long as the Maryland legislature allows this to continue, undocumented immigrants are forced between two terrible choices: driving without a license or knowingly provide their name, photo and address to an agency that may track and deport them, a risk most are not willing to make.

This bill would significantly build trust between the immigrant community and the MVA and other government agencies. Undocumented drivers that trusted that their information was safe with the MVA and proceeded to get their licenses feel betrayed. Many agree that they would not even apply for a license, if they knew that ICE had access to their names, photo, and address. Some families have gone so far as to leave their homes and relocate so that their addresses did not match what they had submitted to the MVA.

Two undocumented CASA members, Douglas and Kevin, whose full names will not be disclosed for privacy purposes, are among the thousands of undocumented drivers who got their licenses. The two brothers escaped horrible violence in their home country and came to the United States for safety, choosing Maryland as their home. The brothers had endured terrible beatings from gang members and survived years of physical torture that were visible on their bodies. Like many other undocumented immigrants fleeing violence and extreme hardship, they did not have any way to obtain legal status once

² <https://perma.cc/S7V9-SS56>

³ https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_maryland.pdf

they arrived despite their efforts. After filing taxes for several years, both were eligible for a license and moved forward with getting one. They both viewed their drivers license as a source of pride and belonging. Then, in 2019, the brothers were driving together on their way to work when they were stopped for no reason and arrested by ICE. Both ended up being detained in a local jail that incarcerates ICE detainees on ICE's behalf. Neither of them has committed a criminal offense - they were simply arrested for being undocumented and getting a driver's license. Kevin ended up being detained for over six months, which had an excruciating mental and physical impact on him. He eventually won his immigration case and was released. The ICE agent told them they found them by searching for Douglas in the MVA database.

Unfortunately, Douglas' and Kevin's story are just two are the thousands of undocumented Marylander who have been and are at risk of being tracked down by ICE without a warrant. The Maryland legislature should be saddened and outraged that experiences like Kevin's and Douglas' were enabled by existing policy that allows data sharing. This bill will take tremendous strides in restoring the true spirit and desired outcome of the Maryland Highway Safety Act that was passed in 2013 - and would unquestionably restore trust between the immigrant community and Maryland government at a time when it is more necessary than ever.

For questions, please contact Cathryn Paul at cpaul@wearecasa.org.

For the reasons outlined above, CASA urges a favorable decision on Senate Bill 234.

George Escobar
Chief of Programs and Services, CASA

SB 234 - Driver Privacy Act Esposito 1.26.21.pdf

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 45. I'm proud to have been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am testifying **in support of Senate Bill 234**.



This bill requires Immigration and Customs Enforcement (ICE) to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport undocumented immigrants. Undocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

Take, for example José, a member of our community who immigrated here from El Salvador decades ago, fleeing violence after several of his family members were killed. Earlier this year, ICE arrested José in front of his family without explanation. The arresting officer revealed they found him using his driver's license information. José then spent eight months in a local detention center, leaving his wife to support their five children on her own. Although he was released, José faces the threat of deportation every day.

Not only does this harm the immigrant community and threaten public safety by encouraging more unlicensed drivers on the road, but it also raises the issue of transparency and accountability. Currently, data searches don't have to be reported — this bill would change that. It would also monitor ICE's use of facial recognition technology, which is racially biased and frequently inaccurate.

Senate Bill 234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in **support of Senate Bill 234**.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Esposito
434 E Oliver, Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

testimony.SB234.pdf

Uploaded by: Ewing, Hamza

Position: FAV



January 25, 2021

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

**Re: Testimony in SUPPORT of SB234 – Personal Information - State and Local Agencies-
Restrictions on Access**

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 234 entitled Personal Information - State and Local Agencies - Restrictions on Access, and also known as the Driver Privacy Act. CAIR is America's largest Muslim civil rights and advocacy organization.

Nearly ten years ago, when the Maryland state legislature passed laws extending driving privileges regardless of immigration status, it greenlighted significant economic growth, improved road safety, and kept hardworking families together in our state. This measure enabled immigrants who needed to drive for example for gainful employment, the ability to do so in a legal and regulated way. It helped increase spending, raised state revenue, and boosted our economy.

Last year, it was revealed that Maryland is one of four states that allows U.S. Immigration and Customs Enforcement (ICE) to comb through the Motor Vehicle Administration's database of registered drivers to search out undocumented immigrants without state or court approval.¹

In fact, according to reports, the Maryland Department of Transportation MVA began sharing all driver's license and identification-card images with the Maryland Image Repository System (MIRS) in 2011 – a database of over 10 million driver's license photos from the state MVA and Maryland State Department of Public Safety and Correctional Services (DPSCS) which ICE can access. According to the Surveillance Technology Oversight Project, Maryland's system is one of the most broad and expansive in the state.

Several states now have provisions to limit or prohibit disclosure of motor-vehicle information to ICE including Vermont and Hawaii. It's time to add Maryland to that list. Passing HB23 will help avoid setting a dangerous precedent for the violation of civil liberties, and help prevent

government overreach while keeping families together and boosting our state's economy. **CAIR respectfully urges a favorable report on this measure. Thank you for your consideration.**

Sincerely,

Huzzaifa Muhammad
Government Affairs Intern, CAIR Office in Maryland
Council on American-Islamic Relations
Email: mdintern@cair.com

References:

1. Vialpando, Madison. Maryland Program on Sharing Driver's License Data With ICE Is Most Invasive, Critics Say. <https://digitalprivacy.news/2020/12/03/maryland-program-on-sharing-driver-data-with-ice-is-most-invasive-critics-say/> . Accessed January 20, 2021.

MDAID - Support Driver Privacy bill SB 234.pdf

Uploaded by: Follingstad, Susaanti

Position: FAV



SB 234/HB 023 - SUPPORT
Susaanti Follingstad
Maryland Against ICE Detention
sfolling@verizon.net 301-251-0139

SB 234/HB 023 - SUPPORT

Public Information Act – State and Local Agencies – Restrictions on Access

Senate Judicial Proceedings Committee/House Judiciary Committee

January 28, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

As a Maryland resident for 46 years and on behalf of Maryland Against ICE Detention (MDAID), I adamantly support SB 234/HB 023 and urge this committee to report favorably on this legislation. MDAID is a statewide coalition of organizations and individuals striving to stop immigration detention as well as systems that contribute to detention and deportation. We are made up of over 60 organizations and over 200,000 individual members and members of those organizations.

The passage and implementation SB 234/HB 023 is important to our mission of stopping detention and deportation of immigrants, even more so during this pandemic, which detention worsens, increasing the hazard to those detained and to surrounding communities. In 2013, Maryland extended driving privileges to every qualified person regardless of immigration status, thus improving public safety and security by reducing unlicensed drivers. Soon after, ICE agents were reported to have started harassing and detaining undocumented residents, such as during the 2014 Catonsville raid. In 2020, the ICE officer who arrested and detained Jose Santos Quintero, a father of 5 children, indicated ICE located him from driver's license information. Several people picked up also indicated that the MVA was the only government agency with which they had shared personal information and addresses.

Such actions have once again increased immigrants' fears of being targeted and deported, and is discouraging them from getting driver's licenses. This bill would require ICE to obtain a warrant in order to access personal information from the MVA, thus ensuring undocumented immigrants could feel safe in getting licenses.

In addition, this bill would require data reporting on federal agencies requests for and receipt of personal information and use of facial recognition searches. ICE requests and searches affect all Marylanders, particularly as facial recognition can be inaccurate (more so with people of color) and thus can identify the wrong person and set off events leading to false arrests, detention or worse. SB 234/HB 23 will reduce the harm that ICE is able to inflict upon our immigrant neighbors, ensure they can get licenses which increases safety on the roads, and safeguard the information of all Marylanders from unwarranted access.

MDAID urges a favorable report on SB 234/HB 023.

SDMV - Support Driver Privacy bill SB 234.pdf

Uploaded by: Follingstad, Susaanti

Position: FAV



SB 234/HB 023 - SUPPORT

Susaanti Follingstad

Sanctuary DMV

sfolling@verizon.net 301-251-0139

SB 234/HB 023 - SUPPORT

Public Information Act – State and Local Agencies – Restrictions on Access

Senate Judicial Proceedings Committee/House Judiciary Committee

January 28, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

As a Maryland resident for 46 years and on behalf of organizers and supporters of Sanctuary DMV, I adamantly support SB 234/HB 023 and urge this committee to report favorably on this legislation. Sanctuary DMV is an all-volunteer group with over 500 volunteers that stands in solidarity with immigrant and marginalized communities in DC, Virginia and here in Maryland.

The passage and implementation SB 234/HB 023 is important to our mission of supporting those Marylanders from communities directly affected by anti-immigrant policies and sentiments. In 2013, Maryland extended driving privileges to every qualified person regardless of immigration status, thus improving public safety and security by reducing unlicensed drivers. Soon after, ICE agents were reported to have started harassing and detaining undocumented residents, such as during the 2014 Catonsville raid. In 2020, the ICE officer who arrested and detained Jose Santos Quintero, a father of 5 children, indicated ICE located him from driver's license information. Several people picked up also indicated that the MVA was the only government agency with which they had shared personal information and address.

Such actions have once again increased immigrants' fears of being targeted and deported, and is discouraging them from getting driver's licenses. This bill would require ICE to obtain a warrant in order to access personal information from the MVA, thus ensuring undocumented immigrants could feel safe in getting licenses.

In addition, this bill would require data reporting on federal agencies requests for and receipt of personal information and use of facial recognition searches. ICE requests and searches affect all Marylanders, particularly as facial recognition can be inaccurate (more so with people of color) and thus can identify the wrong person and set off events leading to false arrests, detention or worse. SB 234/HB 23 will reduce the harm that ICE is able to inflict upon our immigrant neighbors, ensure they can get licenses which increases safety on the roads, and safeguard the information of all Marylanders from unwarranted access.

We urge a favorable report on SB 234/HB 023.

SB0234 Support Driver Privacy Act LG.pdf

Uploaded by: Girdner, Linnie

Position: FAV

To Senators Smith, Waldstreicher and members of the Judicial Proceedings Committee:

I am a resident of District 21 and a long time Maryland resident. As a member of Showing Up for Racial Justice Annapolis and Anne Arundel County and as a Christian who is called to love the immigrant and refugee, I feel I must speak up on their behalf.

I am testifying in support of The Driver Privacy Act (SB0234), which requires ICE to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport underdocumented immigrants. Underdocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

Take, for example José, who immigrated here from El Salvador decades ago, fleeing violence after several of his family members were killed. Earlier this year, ICE arrested José in front of his family without explanation. The arresting officer revealed they found him using his driver's license information. José then spent eight months in a local detention center, leaving his wife to support their five children on her own. Although he was released, José faces the threat of deportation every day.

Not only does this harm the immigrant community and threaten public safety by encouraging more unlicensed drivers on the road, but it also raises the issue of transparency and accountability. Currently, data searches don't have to be reported — this bill would change that. It would also monitor ICE's use of facial recognition technology, which is racially biased and frequently inaccurate.

The Driver Privacy Act will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in support of SB0234 and pass the Driver Privacy Act this session.

Thank you for your time, service, and consideration.

Sincerely,

Linda Girdner
941 Fall Ridge Way
Gambrills, MD 21054

SB 234 - Driver Privacy Act.pdf

Uploaded by: Gorny, Daniel

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 8. I am testifying **in support of Senate Bill 234**.



This bill requires Immigration and Customs Enforcement (ICE) to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport undocumented immigrants. Undocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

Take, for example José, a member of our community who immigrated here from El Salvador decades ago, fleeing violence after several of his family members were killed. Earlier this year, ICE arrested José in front of his family without explanation. The arresting officer revealed they found him using his driver's license information. José then spent eight months in a local detention center, leaving his wife to support their five children on her own. Although he was released, José faces the threat of deportation every day.

Not only does this harm the immigrant community and threaten public safety by encouraging more unlicensed drivers on the road, but it also raises the issue of transparency and accountability. Currently, data searches don't have to be reported — this bill would change that. It would also monitor ICE's use of facial recognition technology, which is racially biased and frequently inaccurate.

Senate Bill 234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in **support of Senate Bill 234**.

Thank you for your time, service, and consideration.

Sincerely,

Daniel Gorny
3411 Upton Rd.
Parkville, MD 21234

Showing Up for Racial Justice Baltimore

Jeffrey_Harrison_FAV_SB234.pdf

Uploaded by: Harrison, Jeffrey

Position: FAV

Jeffrey A. Harrison

Date: January 26, 2021

Position: **Support / Favorable**

Bill Number: **SB 234 / HB 23**

Bill Title: Personal Information - State and Local Agencies - Restrictions on Access

Sponsor: Senator Lam

Senate Committee: Judicial Proceedings

Dear Committee Chair Smith, Committee Vice Chair Waldstreicher, and Committee Members:

I strongly support SB 234.

Over the past three years, there have been several reports about Maryland agencies allowing federal immigration agencies to access the personal information and photographs in the Maryland driver's license database. This access apparently has been obtained without court-issued warrants and without accountability.

Maryland residents need licenses to drive legally. Most residents who are old enough are allowed to obtain a Maryland driver's license. When Marylanders obtain licenses, we trust the state government to safeguard the database against misuse and abuse. I would like Maryland drivers to continue to obtain licenses and to have trust in the state government.

To further that trust, SB 234 provides these necessary reforms, among others:

- Deny access to personal information in Maryland database records for the purpose of federal immigration enforcement, unless there is a valid warrant issued by a federal court or a court of this state.
- Make a record of who is accessing information in the database.
- Report activity data annually to the General Assembly regarding database access for federal immigration enforcement purposes.

SB 234 improves the trust that residents have in the state government. SB 234 also protects the constitutional rights of Marylanders. Every Maryland resident has constitutional rights.

For those reasons, please **support SB 234** and report it as **Favorable** from the committee.

Thank you.

Jeffrey A. Harrison
(a member of Greenbelt People Power)
6835 Damsel Ct, Greenbelt MD 20770 (District 22)
Jeff6836@gmail.com

SB 234 - Driver Privacy Act BH.pdf

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, as well as the Artistic Director at the Fells Point Corner Theatre. I am testifying **in support of Senate Bill 234**.



This bill requires Immigration and Customs Enforcement (ICE) to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport undocumented immigrants. Undocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

Take, for example José, a member of our community who immigrated here from El Salvador decades ago, fleeing violence after several of his family members were killed. Earlier this year, ICE arrested José in front of his family without explanation. The arresting officer revealed they found him using his driver's license information. José then spent eight months in a local detention center, leaving his wife to support their five children on her own. Although he was released, José faces the threat of deportation every day.

Not only does this harm the immigrant community and threaten public safety by encouraging more unlicensed drivers on the road, but it also raises the issue of transparency and accountability. Currently, data searches don't have to be reported — this bill would change that. It would also monitor ICE's use of facial recognition technology, which is racially biased and frequently inaccurate.

Senate Bill 234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I urge you to vote in **support of Senate Bill 234**.

Thank you for your time, service, and consideration.

Sincerely,

Barbara Hauck (she/her)

3420 Harford Road

Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

SB0234 Written Testimony A Juberg.pdf

Uploaded by: Juberg, Arielle

Position: FAV

Arielle Juberg
Baltimore, Maryland
District 8

Testimony in Support of Bill SB0234, Personal Information - State and Local Agencies -
Restrictions on Access

To: Chair Smith and members of the Senate Judicial Proceedings Committee

From: Arielle Juberg

My name is Arielle Juberg. I live in Baltimore County in District 8. I am a member of Showing Up for Racial Justice in Baltimore and the Ally's Network for Casa de Maryland.

I am testifying in support of SB0234, Personal Information - State and Local Agencies - Restrictions on Access, which requires ICE to obtain a warrant in order to access personal information that the MVA gathers about drivers.

I would like to thank the General Assembly for voting in 2013 to open driving privileges to Maryland residents regardless of immigration status. The state has a clear and compelling interest in ensuring that roadways are safe and that drivers are licensed and aware of driving laws.

However, there has been a disturbing trend in recent years regarding MVA records and undocumented immigrants. The U.S. Immigration and Customs Enforcement (ICE) has used MVA data to harass, detain, and deport undocumented immigrants in Maryland. They are able to do so because the 2013 MD Highway Safety Act did not prohibit this action.

SB0234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

I am sickened by the stories of my immigrant neighbors who are arrested and detained by ICE after they applied for a Maryland driver's license. Because there are no limitation on ICE's use of MVA data, immigrants are being arrested and detained when they have not committed any crime. They are separated from their families and can no longer support children and other members. More unlicensed drivers may be on the road because of legitimate fear of ICE. Our entire community lacks knowledge about when and why ICE is using MVA data. This type of unlimited, unregulated data sharing can weaken constituents' trust in institutions and damage the credibility of these offices.

For all of these reasons, I respectfully urge a favorable report for Bill SB0234.

NILC_FAV_SB234.pdf

Uploaded by: Katz, Nick

Position: FAV

January 21, 2021

Chairman William C. Smith, Jr.
Chair, Judicial Proceedings Committee
Maryland Senate
Annapolis, MD 21401

Re: Testimony in Support of SB 234 – “Personal Information - State and Local Agencies - Restrictions on Access”

Dear Chairman Smith and Committee Members:

The National Immigration Law Center submits the following testimony in support of SB 234, which bars disclosure of driver’s license records containing personal information or photographs to federal agencies for civil immigration enforcement and requires federal agencies to obtain a valid federal or state court warrant to obtain driver’s license records containing personal information or photographs for use in criminal immigration enforcement. The bill also bars federal agencies’ use of facial recognition software on driver’s license photographs for civil immigration enforcement and for criminal immigration enforcement without a valid federal or state court warrant.

Established in 1979, NILC is one of the leading organizations in the U.S. exclusively dedicated to defending and advancing the rights and opportunities of low-income immigrants and their families. NILC has developed unique expertise in the laws and policies affecting access to services, including driver’s licenses, for low-income immigrants. We have decades of experience providing technical assistance, training and publications to government agencies, legal services and non-profit organizations across the country.

We urge you to support SB 234 for the following reasons:

Federal Agencies’ Access to Personal Information and Photographs in Driver’s License Records Undermines the Goals of Maryland’s Driver’s License Law

In 2013 Maryland joined a growing number of states (currently 16, plus the District of Columbia and Puerto Rico) that issue driver’s licenses to eligible residents, regardless of

their immigration status.¹ Laws like Maryland's that restored access to driver's licenses enhance public safety, by ensuring that drivers are trained, tested and have greater access to insurance. Drivers with licenses have a means to identify themselves and may be more willing to report accidents and interact with government agencies.²

Many immigrants are concerned, however, that information and photographs provided to state driver's license agencies will be shared with federal immigration authorities and used for immigration enforcement, or that rogue police officers or state agency employees or agents will contact immigration authorities about drivers with licenses marked as not acceptable for federal purposes, because they assume these individuals are undocumented.

Immigrants' fears have proven to be well-founded. In Maryland, for example, "U.S. Immigration and Customs Enforcement officials have been permitted to run facial-recognition searches on millions of Maryland driver's license photos without first seeking state or court approval, state officials said — access that goes far beyond what other states allow."³ And searches such as these yield far more than a photo match. The Maryland Image Repository System database "includes the photos, names, addresses and other personal information of approximately 7 million drivers statewide."⁴

These searches are not benign, as they "threatened to deeply undermine the program by forcing a chilling effect on undocumented immigrants, who may seek instead to ignore the requirements for driver licensing, insurance and education."⁵ In addition, the technology is notoriously unreliable for people with darker skin, especially black women, seniors, and children.⁶

Exacerbating this effect, the driver's license information and photographs that federal agencies collect for immigration enforcement will become part of the Department of Homeland Security's vast database called Homeland Advanced Recognition Technology

¹ *State Laws Providing Access to Driver's Licenses or Cards, Regardless of Immigration Status* (NILC, April 2020), <https://www.nilc.org/wp-content/uploads/2015/11/drivers-license-access-table.pdf>

² *Empirical Studies Support Issuance of Driver's Licenses Without Regard to Immigration Status* (NILC 217) <https://www.nilc.org/wp-content/uploads/2017/10/driver-license-research.pdf>

³ *ICE has run facial-recognition searches on millions of Maryland drivers* (Drew Harwell and Erin Cox, The Washington Post, Feb. 26, 2020) <https://www.washingtonpost.com/technology/2020/02/26/ice-has-run-facial-recognition-searches-millions-maryland-drivers/>

⁴ *Id.*

⁵ *Id.*

⁶ Comments of the Electronic Frontier Foundation Regarding Notice of Proposed Rulemaking on the Collection and Use of Biometrics by U.S. Citizenship and Immigration Services USCIS, Docket No. USCIS-2019-0007, <https://beta.regulations.gov/comment/USCIS-2019-0007-5370>

(HART).⁷ This database, which DHS is creating under-the-radar, will replace DHS' current biometrics database IDENT⁸ (Automated Biometric Identification System).⁹

SB 234 Promotes Privacy Rights and Due Process by Protecting Driver's License Information and Photographs

Analyses conducted in other states reveal multiple mechanisms for federal agencies to obtain sensitive personal information and photographs of driver's license holders.¹⁰ Those mechanisms often operate without clear disclosure to the public or the consent of drivers. And they operate without clear federal policies about how their agencies obtain and use driver's license information.¹¹

Therefore, sensible measures, like SB 234, that protect drivers' personal information and photographs are necessary. The bill helps ensure that drivers' information will not be shared with federal authorities for civil immigration enforcement purposes. The bill's requirement of a valid federal or state warrant promotes due process by requiring federal authorities to present evidence that there is probable cause to believe a crime was committed and that the requested information is necessary for the investigation of the crime.

The Constitution imposes limits on the government's ability to seize personal "papers and effects." Requiring a warrant issued by a federal or state court adopts a familiar and clear standard that is simple to implement and protects against the "unreasonable seizure" of personal information of Maryland's residents. The measure does not prevent federal authorities from obtaining personal information for criminal investigations. It simply ensures that an independent authority will determine that doing so is warranted.

⁷ Supplemental Programmatic Environmental Assessment (SPEA) for the Proposed Establishment and Operations of the Office of Biometric Identity Management and the Homeland Advanced Biometric Technology (HART), 81 Fed. Reg. 90862 (Dec. 15, 2016), <https://www.govinfo.gov/content/pkg/FR-2016-12-15/pdf/2016-30187.pdf>

⁸ Notice of Updated Privacy Act System of Records Notice, IDENT System of Records (DHS, June 5, 2007) <https://www.govinfo.gov/content/pkg/FR-2007-06-05/html/07-2781.htm>

⁹ HART: Homeland Security's Massive New Database Will Include Face Recognition, DNA, and Peoples' "Non-Obvious Relationships" (Jennifer Lynch, Electronic Frontier Foundation, June 7, 2018) <https://www.eff.org/deeplinks/2018/06/hart-homeland-securitys-massive-new-database-will-include-face-recognition-dna-and>

¹⁰ See, e.g. *Secure Our Data: Protecting the Privacy of Pennsylvania Residents and Drivers* (Driving Pennsylvania Forward and the Farmworker Legal Advocacy Clinic at the Villanova University Charles Widger School of Law, Sept. 2020) <https://drivingpaforward.org/wp-content/uploads/2020/09/Secure-Our-Data-Hit-the-Brakes-on-Information-Sharing-Driving-PA-Forward-2020-1.pdf>

¹¹ *Documents Obtained Under Freedom of Information Act: How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information* (NILC, May 2106) <https://www.nilc.org/issues/drivers-licenses/ice-dmvs-share-information/>

The bill also provides a measure of accountability and transparency by requiring documentation of the purposes for which information from the driver's license database is sought or obtained by law enforcement agencies, and a report on such requests.

With passage of SB 234, Maryland will join several other states, including New York, New Jersey and California, that have taken significant steps to protect the privacy of personal information in driver's license records.¹²

Conclusion

For the reasons described above, we urge you to provide a favorable report on SB 234.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shiu-Ming Cheer', with a stylized, flowing script.

Shiu-Ming Cheer
Director of Movement Building & Strategic Partnerships

¹² *Protecting State Driver's License Information* (NILC, June 2020), <https://www.nilc.org/issues/drivers-licenses/protecting-state-drivers-license-information/>

Our Revolution_FAV_SB234.pdf

Uploaded by: Katz, Nick

Position: FAV



ORHoCo Testimony on Maryland Driver Privacy Act – SB317/HB23

Dear Maryland State Delegation,

We are presenting this testimony on behalf of Our Revolution Howard County (ORHoCo), the county chapter of an organization inspired by the political and social messages of Senator Bernie Sanders (I-VT). We fight for values and policies covering climate-change, health care, and economic and racial justice that focus on the needs of our neighbors, co-workers, and working families, particularly in this time of Covid.

Along with our 20+ partners represented by the Howard County Coalition for Immigrant Justice (HCCIJ), we present this in support of the Maryland Driver Privacy Act SB234/HB23, which requires federal authorities to obtain a warrant in order to access personal information that the MVA gathers about drivers.

While Maryland made the right move in 2013 to extend driving privileges to all qualified persons, regardless of immigrant status, we understand that there has been rampant data-sharing between the MVA and ICE (U.S. Immigration and Customs Enforcement).

Unfortunately, there is currently no oversight or monitoring of ICE's searches of MVA records. This is outrageous given the amount of information that our own MVA collects. It seems only reasonable that this bill is passed to protect the private information of all Maryland residents. We ask that the bill SB234/HB23 be passed as written.

Thank you.

- Kathleen Uy, ORHoCo steering committee member and representative to HCCIJ
- Paul J. Baicich, ORHoCo Chair

*Our Revolution Howard County
c/o Baicich
7237 Swan Point Way
Columbia, Md 21045*

2021-01-28 SB 234 (Support).pdf

Uploaded by: Kemerer, Hannibal

Position: FAV



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

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/>.

Testimony in support of SB0234 - CAN.pdf

Uploaded by: Kickenson, Jerry

Position: FAV



faith. love. liberation.
fe. amor. Liberación.

Testimony in support of SB0234

Personal Information - State and Local Agencies - Restrictions on Access

To: Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

From: Jerry Kickenson and Martha Wells, Congregation Action Network

Date: January 28, 2021

We are writing in **support of Senate Bill 0234**, Personal Information - State and Local Agencies - Restrictions on Access, on behalf of the Congregation Action Network. The Congregation Action Network is a network of faith communities in Washington, DC, and the Maryland and Virginia suburbs acting in solidarity to end detention, deportation, profiling, and criminalization of immigrants and demanding and upholding justice, dignity, safety, and family unity. With over 75 congregations and a thousand members throughout the capital area, including over 25 congregations with thousands of members in Montgomery and Prince George's counties, we live our faith in advocacy for and solidarity with our immigrant neighbors.

As people of faith committed to ending the detention and deportation of immigrants, we adhere to the sacred texts of most major faiths that call for welcoming the stranger and treating each other with love, dignity, respect, and compassion. We believe in liberation and that immigrant families should be united and free - never incarcerated.

SB0234 would prohibit MVA, as well as state and local law enforcement agencies, from sharing personal data with federal agencies for civil immigration enforcement, and for criminal immigration enforcement without a judicial warrant. It would also require public reporting of all such requests.

We strongly urge you to reach a favorable report for HB0016. It will protect the privacy of all Maryland residents, and help protect our immigrant neighbors residing in Maryland. It is the moral and right thing to do.

Respectfully yours,

Jerry Kickenson

Cluster Leader, Congregation Action Network (Montgomery County)

Martha Wells

Cluster Leader, Congregation Action Network (Prince Georges County)

LAM_FAV_SB0234.pdf

Uploaded by: Lam, Clarence

Position: FAV

CLARENCE K. LAM, M.D., M.P.H.
Legislative District 12
Baltimore and Howard Counties



Miller Senate Office Building
11 Bladen Street, Room 420
Annapolis, Maryland 21401
410-841-3653 • 301-858-3653
800-492-7122 Ext. 3653
Clarence.Lam@senate.state.md.us

Education, Health, and Environmental Affairs
Committee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Chair

Joint Audit and Evaluation Committee

Joint Committee on Fair Practices and
State Personnel Oversight

Vice Chair

Baltimore County Senate Delegation

Chair

Howard County Senate Delegation

THE SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401

Support: SB 234 Maryland Driver Privacy Act

Issue:

- Maryland is one of the states with the most unrestricted federal access to Motor Vehicle Administration (MVA) data in the US
- Immigration and Customs Enforcement (ICE) has access to MVA data via DPSCS's Maryland Criminal Justice Dashboard ("Dashboard"), which includes 7 million MD driver's license photos for facial recognition searches
- ICE agents have accessed the Dashboard with generic federal logins and have saved facial recognition searches without a warrant or any oversight by DPSCS
- There is little data on the accuracy of facial recognition technology (FRT), though FRT is known to be less accurate for People of Color
- Unrestricted access is a serious threat to privacy of all Marylanders -- *you don't have to be the person of interest to be selected by FRT, you only have to look like that person*
- Additionally, undocumented immigrants are encouraged to get a driver's license, which makes their information available to federal immigration enforcement agencies without any prior notification or state oversight

What SB 234 does:

- Requires federal agencies conducting immigration enforcement to present a warrant prior to obtaining access to MVA information or personal information from other state agencies
- Requires the MVA and other state/local agencies to report data about federal requests for personal information and facial recognition searches

Sponsor amendment:

- Clarifies language to remove distinction between criminal and civil immigration enforcement, as all immigration enforcement is civil

- Includes a definition of “law enforcement agency”
- Adds language stating that MVA and other state agencies cannot sell personal information for the purposes of enforcing federal immigration law

Action taken in other states:

- *California Values Act (2017)*: requires AG to make recommendations to ensure to the “fullest extent practicable” that law enforcement databases are not used to enforce immigration laws (ICE lost access to CA law enforcement databases in October 2019)
- *New York Green Light Law (2019)*: prohibits DMV disclosure of information to “any agency that primarily enforces immigration law” unless presented with a warrant; requires notification of individuals about whom requests are made
- *New Jersey P.L.2019, c.271 (2019)*: prohibits disclosure of DMV information to any federal, state, or local law enforcement without consent or warrant
- *8 states prohibit FRT*: AK, NH, LA, MO, MT, OK, OR, WA
- *21 additional states do not provide driver’s license photos to federal FRT databases*: CA, CT, FL, GA, HI, KS, MA, ME, MS, MN, NV, NY, OH, RI, SD, VT, WY, NJ, VA, WV, WI



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WANIKA FISHER
WILL SMITH

TO: Senator William C. Smith Jr, Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members
FROM: Maryland Legislative Latino Caucus (MLLC)
DATE: January 28, 2021
RE: SB234 Personal Information – State and Local Agencies –
Restrictions on Access

The MLLC supports SB234 Personal Information – State and Local Agencies – Restrictions on Access.

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB234.

The U.S Immigration and Customs Enforcement (ICE) is responsible for identifying and eliminating cross-border crime and any threats to national security and public safety. For their operations, they often use databases such as criminal justice networks and driver and transportation records to obtain information about a person, such as their home address or license plate number. In our case, ICE has accessed Marylanders' personal information through the Motor Vehicle Administration (MVA).

ICE has run [facial recognitions](#) on millions of Maryland drivers. When the Maryland General Assembly passed legislation to grant undocumented immigrants the ability to obtain a driver's license (many who are Latinos), federal agents gained access to personal data and used facial recognition technology to target individuals who have these specific driver's licenses. This is a very concerning piece of information, as this would mean that this agency has unlimited access to drivers' photos without the knowledge or consent of the drivers. The agency has already acted on this access to find non-criminal undocumented Marylanders.

SB234 prohibits state agencies from sharing facial recognition and personal information to U.S Immigration and Customs Enforcement (ICE) for purposes of civil immigration and criminal immigration enforcement without a valid warrant issued by a federal court or a court of this state. Additionally, the MVA must report to the Maryland General Assembly on the requests received from ICE.

A notion of security and restriction needs to be established, since when information as sensitive as this becomes exposed, the hopes and dreams of many members of the immigrant community are left to perish.

The MLLC supports this bill and urges a favorable report on SB234.

SB0234.pdf

Uploaded by: Le, Kim

Position: FAV

Kim Le
23 E Eager St
Baltimore, MD 21202

To the Esteemed Senators of the State of Maryland:

I am writing in favor of the Driver Privacy Act to limit cooperation between the MVA and U.S. Immigrations and Customs Enforcement (ICE). As a citizen of Baltimore, MD, and a daughter of immigrants, I feel that this is an important step in protecting civil liberties of those who are immigrants. I have extreme concerns about the operations of ICE, as well as the lack of transparency and oversight. The news of treatment of detainees is appalling, as well as the separation of children from their parents, and continued detention without justification or adequate legal representation. Under the last few years, ICE has been allowed to operate as a shadow agency without accountability. I believe under the new federal administration, this hopefully will be resolved, along with greater expansion for legal avenues for people to obtain citizenship. **Until then, the legal and ethical thing to do for the State of Maryland is to limit information sharing between agencies.**

On a practical level, this is also vital in maintaining the safety of our roadways. Immigrants (including ones who are here legally) who are afraid of being detained by ICE are deterred from seeking services at the MVA, leading to more drivers on the road without license or registration – which puts us all at risk.

It is time to restore trust in law enforcement and our government's institutions. We need to bring back accountability in the process. **We should require ICE agents to do due diligence and obtain warrants when seeking information** – just as we require any law enforcement officer to do the same when investigating citizens.

In conclusion, I hope that you vote in favor of Senate Bill 234.

Thank you,

Kim Le
Baltimore, MD
21202

SB234 - Anita Lampel.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Anita Lampel
Bethesda, MD 20814

TESTIMONY IN SUPPORT OF SB234/HB23
Personal Information - State and Local Agencies - Restrictions on Access

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Anita Lampel

My name is Anita Lampel. I live in Bethesda, in District 16. I am submitting this testimony in support of SB234/HB23, Personal Information - State and Local Agencies - Restrictions on Access. Our immigrant neighbors believed the promise we made to keep their information private if they obtained drivers' licenses. Instead we have allowed warrantless searches of their data through the MVA's database. This means federal officers can sniff around and decide to go after folks who have committed no crimes once in the United States.

When my mother was ten-years-old, her parents brought her into the United States without documentation from Canada, where she'd been born, along with four siblings. My mom was an excellent student, as were her siblings, and no one got into any trouble. Still, seven years after they entered, the family was somehow discovered and summarily sent back to Canada. My mom did not finish high school until decades later. The trauma to her and her brothers and sisters was enormous. My 97-year-old aunt still talks about that, and how she did everything she could to return to the United States after WWII.

Through this family story, I am able to feel a connection to those who are here, living productively, contributing to society, doing what we asked them to do by getting a driver's license, but who fear deportation. Please honor the commitment you made to these residents and communities across Maryland and do not allow warrantless searches of our MVA database.

I respectfully urge a favorable report on SB234.

SB234 - Carol Stern.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Carol Stern
Chevy Chase, MD 20815

TESTIMONY IN SUPPORT OF SB234/HB23

Personal Information - State and Local Agencies - Restrictions on Access

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Carol Stern

My name is Carol Stern from Chevy Chase District 16. I am providing this testimony in support of SB234/HB23, Personal Information - State and Local Agencies - Restrictions on Access.

Jewish tradition teaches us that “when strangers reside with you in your land, you shall not wrong them. The sojourners who reside with you shall be to you as your citizens; you shall love each one as yourself, for you were strangers in the land of Egypt.” This is the moral framework I believe we must use for all immigrant justice reform legislation.

Maryland first approved special driver’s licenses for undocumented immigrants in 2013, and since then more than 275,000 people have signed up. Immigrant communities in Maryland applauded these new licenses as a great victory, because being able to drive provides huge economic benefits to families. Advocates and state officials also saw it as a way for the state to build trust in immigrant communities. This trust is now being undermined by the sharing of records with ICE without warrants and without informing those signing up for the special licenses of this arrangement.

As a driver in Maryland, I want to know that everyone on the road is a safe driver and is licensed. The current sharing of MVA information with ICE has made Maryland roads less safe by deterring undocumented residents from becoming licensed drivers. How is this in the best interest of Marylanders and public safety?

The state of Maryland has perverted the important use of this licensing process by allowing ICE to use information collected against those who in good faith obtain that license. HB23 will fix this unjust and unsafe practice by prohibiting ICE from accessing MVA records without a judicial warrant.

I respectfully urge a favorable report on SB234.

SB234 - Emily Blank.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Emily Blank
Brentwood, MD 20712

TESTIMONY IN SUPPORT OF SB234/HB23

Personal Information - State and Local Agencies - Restrictions on Access

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Emily Blank

When strangers reside with you in your land, you shall not wrong them. The sojourners who reside with you shall be to you as your citizens; you shall love each one as yourself, for you were strangers in the land of Egypt.

– Leviticus 19:33-34

My name is Emily Blank, and I am submitting this testimony in support of SB234/HB23, Personal Information - State and Local Agencies - Restrictions on Access.

I am an economics professor at Howard University in Washington, DC and a lay cantor. I do not know whether I have any students who are undocumented, but I like to think if there were any undocumented Maryland residents among them, they would be able to drive without fear of deportation.

Maryland has granted drivers licenses to undocumented residents with assurances that their information would not be used against them. Yet, the Motor Vehicle Administration's database and records can be and are searched by all federal law enforcement agencies, including ICE. Providing undocumented residents with the ability to obtain licenses (which entails inclusion in these databases) and then allowing them to be therefore targeted by ICE would seem to be cruel-a kind of entrapment. This bill would prohibit ICE from accessing MVA records and conducting warrantless searches for civil immigration enforcement purposes.

Living within the borders of the United States without proper documentation is not a felony, and there is no reason to cause undocumented persons, some of whom have lived in this country for years and made valuable contributions, to live in terror.

I respectfully urge a favorable report on SB234/HB23.

Do justice, love mercy, and walk humbly with your God.

Micah 6:8

SB234 - Jerry Kickenson.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Jerry Kickenson
Silver Spring, MD 20902

TESTIMONY IN SUPPORT OF SB234/HB23

Personal Information - State and Local Agencies - Restrictions on Access

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jerry Kickenson

My name is Jerry Kickenson, and I live in Silver Spring, District 18. I am writing in support of SB234/HB23, Personal Information - State and Local Agencies - Restrictions on Access.

Jewish sacred text and tradition teach us to welcome the stranger, for we were strangers in the land of Egypt. Leviticus 19:34 explicitly instructs us to treat the immigrant in our land the same as native citizens.

HB23 would prohibit MVA, as well as state and local law enforcement agencies, from sharing personal data with federal agencies for civil immigration enforcement, and for criminal immigration enforcement without a judicial warrant. It would also require public reporting of all such requests.

I strongly urge you to reach a favorable report for SB234. It will protect the privacy of all Maryland residents, and help protect our immigrant neighbors residing in Maryland. It is the moral and right thing to do.

SB234 - Shana Fischer - Jews United for Justice.pd

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Shana Fischer
Baltimore, MD 21218



TESTIMONY IN SUPPORT OF SB234/HB23

Personal Information - State and Local Agencies - Restrictions on Access

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Shana Fischer, on behalf of Jews United for Justice (JUFJ)

My name is Shana Fischer. I am a lifelong Marylander, living in Baltimore City in District 43. I am a member of Jews United for Justice (JUFJ), which organizes more than 5,500 people around the state in support of local social, racial, and economic justice campaigns. I provide this testimony on behalf of JUFJ, in support of SB234/HB23, Personal Information - State and Local Agencies - Restrictions on Access.

In 1913, my zayde, my beloved great-grandfather, arrived at the Port of Baltimore and entered this country as an undocumented immigrant. After making a 6-week-long foot trek to Bremen, Germany, from his home in Ukraine, he would finally find passage in steerage on a ship headed for The United States. As a child, I had the good fortune of growing up with my zayde; we lived together in a four-generation household in Aspen Hill until he died at the age of 98, when I was 12. My zayde gave me his most deeply-held values, both religious and secular; he thoroughly transmitted his love for this country, and his belief in service to it, to me. Entering State service as a Customer Agent for the Motor Vehicle Administration in February 2006 was a way of honoring those values.

I worked for the MVA for 8 years. At the Beltsville branch, I acted as interpreter and processed transactions of all types for Spanish-speaking customers. My customers eyed me warily as I received them from a segregated queue consisting only of undocumented residents, even after greeting them warmly in fluent Spanish. Sometimes, as I scanned their passports that bore no U.S. visa, they would apologize for troubling me to ask meekly if the MVA was allowed to send

their information to “la Migra”--what they call ICE. They were conflicted, torn; having a driver’s license is essential. But they were also scared. What if, as the gossip in the neighborhood suggested, it was a trap? What if MVA, to whom they had just handed evidence of being present without documentation, was quietly passing along all of their information so ICE could find and deport them?

“Oh, no,” I reassured them, as I had been repeatedly instructed by agency leadership. In Spanish, I would explain: “The MVA’s responsibility is to public safety. We are not the federal government and immigration is not our job. MVA wants everyone who drives on Maryland’s roads to have a license and registration and vehicle insurance because it makes everybody safer. So we don’t have any interest in turning anyone into ICE. Besides, your information is protected by the federal Driver Privacy Protection Act of 1996 and we can’t share it with anyone.”

That speech that I gave over and over should have been true. But despite the assurances that I was told to give to undocumented immigrant customers, MVA routinely permits its databases and records to be searched by ICE for enforcement purposes. As a Jewish person, my tradition teaches me that it is our responsibility to welcome migrants. Therefore, I have an absolute moral obligation to refuse cooperation with those who would treat undocumented immigrants as criminals and seek to return them to the harm from which they fled, often at great personal risk. It pains me that as an MVA employee, I was made complicit in this transgression against humanity. The duplicitous data sharing practices the MVA has engaged in are evidence that the Driver Privacy Act is a necessary and effective solution to a serious and long standing problem. **JUFJ respectfully urges a favorable report on SB234.**

AAJC_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV



January 24, 2021

Re: Testimony in Support of the Maryland Driver Privacy Act (SB234/HB23)

Dear Chair Smith, Vice-Chair Waldstreicher and Members of the Judicial Proceedings Committee:

Asian Americans Advancing Justice | AAJC writes to express our strong support for the Maryland Driver Privacy Act (SB 234/HB23) and urge you to pass the bill out of committee. Advancing Justice | AAJC works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. Founded in 1991, Advancing Justice | AAJC is one of the nation's leading experts on civil rights issues of importance to the Asian American and Pacific Islander (AAPI) community including immigration and immigrants' rights, census, hate incidents, language access, technology, and telecommunications, and voting rights.

Immigration is an important issue to Asian Americans. 92% of Asian Americans are immigrants or the children of immigrants. Maryland is home to over 415,000 Asian Americans making up 7% of the population. Around 266,000 of them are immigrants and around 39% of Maryland's Asian American population are limited English proficient. Overall, 15 percent of Marylanders are immigrants, and nearly 275,000 Marylanders are undocumented.¹ The issue of so many undocumented immigrants and immigration enforcement is often thought of only as a Latino issue. **In fact, there are around 35,000 undocumented Asian immigrants living in Maryland.**

As a civil rights organization, Advancing Justice | AAJC generally supports robust due process protections and transparency requirements as necessary to protecting the civil and human rights of Asian Americans and other minority communities. We commend the Maryland Legislature on extending driver's licenses to all Marylanders regardless of immigration status. However, ICE's unfettered access to MVA's database undermines that law and discourages undocumented people from obtaining licenses. A warrant requirement is reasonable and not overly burdensome. Reporting requirements are important for legislative oversight and public accountability.

In addition to the obvious need for a check on this access, we add a note of caution around the use of facial recognition software. Studies and tests have shown that facial recognition

¹ All data in this testimony related to Asian Americans residing in Maryland can be found at aapidata.com.

technology has higher rates of error for people of color, including Asian Americans.² It is imperative that legislatures provide robust oversight on the use of this technology.

As elaborated in our statement in support of the Maryland Trust Act, communities are safer when there is trust and cooperation between local law enforcement and residents. SB234 is a simple and sensible due process bill that would protect the rights of immigrants and people of color against unchecked surveillance and encourage all Marylanders to safely access driver's licenses. We thank you for holding a hearing on this important bill and urge you to vote for it. Please feel free to contact me with any questions at messahab@advancingjustice-aajc.org.

Sincerely,

Megan Essaheb
Director of Immigration Advocacy
Asian Americans Advancing Justice | AAJC

² See our blog on facial recognition technology. <https://medium.com/advancing-justice-aajc/u-s-lawmakers-must-continue-to-scrutinize-facial-recognition-technology-649858b9c726>

Alex Kohn_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

Testimony in Support of SB234 (HB23) - Personal Information - State and Local Agencies -
Restrictions on Access

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Alex Kohn, Columbia, MD, 21045 (alex.kohn76@gmail.com)

Date: January 24, 2021

Please support HB23. This bill will help people feel safe enough to get a driver's license and the correct training to be able to drive legally. In the hopes of improving road safety and saving lives in Maryland, I urge you to pass this bill. It is awful to use people's personal data and information to assist ICE in arresting them and it is a huge invasion of privacy and misuse of data. In addition to this the MVA has more than enough to do, and it takes months to get a drivers license appointment time or other services from the MVA. There is no need to have "helping ICE agents" on the list of actually important work they do.

Please support the Maryland Driver Privacy Act.

Thank you,
Alex Kohn

Dianne Seiffert_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

Dianne Seiffert

8213 Kentbury Drive
Bethesda, MD 20814
Montgomery County, District 16

dianneseiffert@gmail.com
301-928-8486

Favorable Testimony for SB0234 Personal Information - State and Local Agencies - Restrictions on Access

To: Chair Senator William Smith and other esteemed members of the Senate Judicial Proceedings Committee
From: Dianne Seiffert
Date: January 22, 2021

My name is Dianne Seiffert, a 50 -year resident and homeowner in Montgomery County. I submit this testimony in support of SB0234 which would prohibit the MVA and state and local law enforcement agencies from sharing personal data with federal agencies for civil immigration enforcement, and also for criminal immigration enforcement without a judicial warrant. It also would require transparency through public reporting of all such requests.

The known and common acts of having personal data inappropriately and unjustly used against them by local law enforcement agencies which endangers their rights to personal privacy and drives the fear of immigrant families and loss of trust in their governments. Decreased law enforcement effectiveness and increased economic burdens are the result for both immigrants and state and local jurisdictions. To codify these prohibitions is needed at the State level so all Maryland residents' privacy rights are fairly and uniformly treated.

I ask members to pass SB0234 out of Committee, and that Committee members individually and publicly declare your support to all Senate colleagues, and work to encourage all Senators to join you in passage by the full Senate.

Respectively submitted,

Dianne Seiffert
Montgomery County resident
Chair, Immigrant Justice Ministry
Cedar Lane Unitarian Universalist Church
Member, Congregation Action Network

MoCoPAAN_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV



Support for Driver Privacy Act - SB234/HB23

Aryani Ong, Sandy Shan, Janelle Wong

Co-Directors

[Montgomery County Progressive Asian American Network](#)

January 24, 2021

We write as members of a new organization, the Montgomery County Progressive Asian American Network (MoCoPAAN), to strongly support the Driver Privacy Act (SB234/HB23).

The MoCoPAAN's mission is to raise the visibility of Asian Americans through lifting up progressive voices and strengthening allyship through strategic communications. In doing so, we wish to demonstrate that Asian Americans have a multitude of voices. We speak out on issues that affect people of diverse backgrounds: representation, equity and inclusion; immigrant rights; and, racial discrimination, racial and profiling, and anti-Black racism. As such, we believe that it is imperative to prevent immigration enforcement from accessing the Maryland Vehicle Agency database to find immigrants addresses without a warrant.

Along with nearly one-third of all immigrants in Maryland, Asian American communities in our state are directly affected by this legislation.

Over 35,000 Marylanders are undocumented Asian immigrants, constituting more than 1 in 8 of undocumented immigrants in the state. These groups face multiple language barriers, lack of culturally competent legal services, and limited capacity among Asian immigrant-serving community organizations make undocumented Asians vulnerable to detention and deportation

We urge you to support **SB234/HB23** to strengthen our communities.

Perry Beider_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

TESTIMONY ON SB234, RESTRICTING ACCESS TO PERSONAL INFORMATION
FOR THE JANUARY 28 HEARING OF THE JUDICIAL PROCEEDINGS COMMITTEE
POSITION: FAVORABLE

SUBMITTED BY

Perry Beider

4011 Rickover Road

Silver Spring, MD 20902

I strongly support SB234, the “Driver Privacy Act.” It is necessary to avoid an unanticipated miscarriage of justice resulting from an otherwise sensible and valuable Maryland law.

As you know, the Maryland General Assembly extended driving privileges to every qualified person, regardless of immigration status, in 2013. That decision was made for the common-sense, public-safety purpose of avoiding having unlicensed drivers on the roads; it allows undocumented immigrants to drive under the same terms as everyone else.

Unfortunately, the federal Immigrations and Customs Enforcement agency is taking advantage of the law, and the cooperation of the Maryland MVA, to use MVA’s database as a tool to identify, detain, and deport undocumented Maryland residents. Clearly, this perverts the purpose of the 2013 law.

SB234 would not prevent Maryland databases from being accessed for purposes of criminal law enforcement, given a valid warrant from federal or state court.

The Judicial Proceedings Committee voted to approve this legislation last year; unfortunately, the early end of the session prevented it from being enacted into law. I trust that the committee will do the right thing again and approve the bill speedily, as the first step to passage by the General Assembly as a whole. There is no time to waste!

Thank you for your attention.

PLUMAS_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

Testimony in SUPPORT of **SB234/HB23: Maryland Driver Privacy Act**

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Political Latinx United for Movement and Action in Society (PLUMAS) strongly urges representatives in the Maryland General Assembly to vote YES on SB234/HB23, which would further solidify the protections that Maryland drivers, especially those with undocumented statuses, have on their privacy. The current system is unjust, xenophobic, and predatory. This bill will benefit everyone regardless of status and is necessary in order to ensure that those who are most vulnerable to unfounded searches by government entities like ICE are protected and are able to live with a little more peace of mind.

Personally, I think driving is a lot more symbolic than people think. When I first started driving I was absolutely terrified, but I had no choice. I am from a low-income family that only has one car so I needed to learn to drive to pick up my sibling from school and take care of errands when my parents were working. Eventually, I felt more comfortable and passed my driving exam on the first try. Had I not been able to drive I would have had to take multiple busses for over an hour just to get to school in the morning. Driving taught me how to manage my time and money more effectively and also gave me a sense of freedom that is hard to obtain sometimes when you are low-income. Being able to drive represents responsibility, growth, and independence. No one can obtain a license to drive in Maryland without completing various steps of precaution such as driving classes and mandatory practice hours. Maintaining a license also entails a great deal of commitment to being safe and responsible with your activities and following the laws set for us. This may take some people months or even years to build up to. When someone is issued a license from the state of Maryland, there is an unspoken social contract that the state of Maryland trusts its drivers and its drivers trust their state to ensure the

privacy and safety of themselves and others around them. Driving is not a privilege or a mere convenience but rather a necessary tool for some people's everyday lives.

Thus, when I heard about how ICE has been given permission to search up Maryland drivers without consent I was absolutely horrified. The contract is broken. How can I trust that my state is truly concerned about my safety and privacy when they allow an abhorrent and malicious organization to freely search up the information of MD residents who EARNED and PROVED their use and need of a license? I myself am a citizen and felt horrified. I cannot imagine the fear and pain that my fellow undocumented Marylanders felt when they found out about this gross neglect of their rights. Even Marylanders who are citizens should be concerned about how their information is being used without their consent. If the state of Maryland truly wants to regain the trust and respect of its citizens, SB234/HB23: Maryland Driver Privacy Act must be passed. This common-sense bill does not give drivers any special privileges, but rather sets the bare minimum when it comes to the protection of Marylander's rights and privacy, something that the state of Maryland has yet to prove to its residents. Could you imagine how it would feel to have to compromise the fear for you and your family's safety and simply needing transportation to go to work every day? Of course, you can't and don't need to. But what you can do is ensure that no Marylander has to any longer.

Amy Rivera

PLUMAS President

Robert Cullen_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

3111 Mary Avenue
Baltimore, MD 21214
410-319-8092

January 25, 2021

To Whom It May Concern:

I am writing in support of the Driver Privacy Act (SB234/HB23). This is a sorely needed measure that would provide overdue guarantees to the driving privileges and related legal protections of all qualified individuals living here in the Free State.

The Driver Privacy Act helps accomplish these objectives of inclusion and justice by requiring that ICE obtain a warrant before accessing the Maryland Motor Vehicle Administration's personal information about drivers. In addition, this bill would prohibit the police from searching through the personal information of drivers here in our state without explicit judicial authorization.

With all of this in mind, I strongly urge each of you to please give the Driver Privacy Act your fairest and fullest consideration.

Sincerely,

Robert Cullen
Robert Cullen

Tammy Spengler_FAV_SB234.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

Testimony in Support of SB234(HB23) - Judiciary – Personal Information-State and Local Agencies-
Restrictions on Access

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Tammy Spengler, Columbia, MD (Tammy424@me.com)

Date: January 24, 2021

I urge you to support of SB 234, Maryland Driver Privacy Act, requiring an officer, an employee, an agent, or Status: a contractor of the State or a political subdivision to deny inspection by a federal agency seeking access for certain immigration enforcement matters of a public record that contains personal information or a certain photographic images unless a valid warrant is provided; requiring law enforcement agencies operating certain databases to require certain individuals accessing the databases to provide certain information; requiring a certain annual report to the General Assembly; etc.

This bill separates the role of Maryland entities from participating in Federal law enforcement entities' inhumane and racist practices. Federal law enforcement would need to acquire a warrant to inquire and/or obtain information from State entities, such as someone's address. We should not participate in implementing Immigration and Customs Enforcement's (ICE) reign of terror campaign. ICE's tactics create distrust of the government in our marginalized communities and when we cooperate with ICE, they can no longer trust us.

It is time to stop the culture of incarceration and detention in our nation and create new pathways that meet the needs of our marginalized communities. Instead of controlling people through fear and intimidation, we should create pathways towards citizenship and belonging. ICE should not have unfettered access to people's personal information. IF federal authorities acquire a warrant, signed by a judge, then our state agencies can cooperate, otherwise residents' personal information should be protected.

I urge you to support SB234, Maryland Driver Privacy Act and create a safer, more inclusive Maryland.

Tammy Spengler

SB234 Testimony 2021 Limiting access to MVA record

Uploaded by: Miicke , Sarah

Position: FAV

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American Zionist Movement
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Association of Reform Zionists of America
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Baltimore Hebrew Congregation
Baltimore Jewish Green and Just Alliance
Baltimore Men's ORT
Baltimore Zionist District
Beth Am Congregation
Beth El Congregation
Beth Israel Congregation
Beth Shalom Congregation of
Howard County
Beth Tfiloh Congregation
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B'nai Israel Congregation
B'nai Jacob Shaarei Zion Congregation
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Chevra Ahavas Chesed, Inc.
Chevrei Tzedek Congregation
Chizuk Amuno Congregation
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Congregation Beth Shalom of
Carroll County
Congregation Tiferes Yisroel
Federation of Jewish Women's
Organizations of Maryland
Hadassah
Har Sinai - Oheb Shalom Congregation
J Street
Jewish Federation of Howard County
Jewish Labor Committee
Jewish War Veterans
Jewish War Veterans, Ladies Auxiliary
Jewish Women International
Jews For Judaism
Moses Montefiore Anshe Emenah
Hebrew Congregation
National Council of Jewish Women
Ner Tamid Congregation
Rabbinical Council of America
Religious Zionists of America
Shaarei Tfiloh Congregation
Shomrei Emenah Congregation
Simon E. Sobeloff Jewish Law Society
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District



WRITTEN TESTIMONY

Senate Bill 234 (SB234) – Personal Information - State and Local Agencies - Restrictions on Access

Senate Judicial Proceedings Committee January 28, 2021

SUPPORT

Background: SB234 aims to limit access by federal officials or others seeking to enforce federal immigration laws to state and local databases that contain personal information or photographs. This would include prohibiting federal officials from using facial recognition software in state databases as part of immigration enforcement efforts. The proposed legislation would allow federal officials seeking this information access to those databases if they obtain a proper warrant. State and local agencies that receive requests from federal agencies seeking access to personal information would be required to make annual reports about those requests to the General Assembly.

Written Comments: In 2013, Maryland extended driving privileges to every qualified person regardless of immigration status. The intention of the legislation was to ensure that everyone who needs to drive can do so in a legal and regulated way – and helping ensure that that no one would end up in immigration court for driving without a license.

However, there are numerous reports of federal immigration officials accessing MVA databases for the sole purpose of trying to identify – and ultimately deport – immigrant families in the state. A report in the *Washington Post* in 2020 found that federal immigration officials have been allowed to conduct facial-recognition searches on millions of Maryland driver's license photos without first seeking state or court approval. This is believed to be access that goes far beyond what other states allow.

Though such actions may seem harmless in theory, they cross the boundary of public and private information and put the safety and sovereignty of Maryland citizens at risk. Court approval should be required before federal officials conduct such database searches.

The Jewish community is all too familiar with the risk this creates. Many of our ancestors were stopped in the street for their papers, harassed by local law enforcement, and forced to register in a database of fellow Jews. While these policies were framed as security measures, they resulted in irreversible damage

that cannot be forgotten. Maryland *must not* repeat this history by targeting the community members it swears to serve and protect.

With this in mind, the Baltimore Jewish Council urges a favorable report on SB234.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

2021.1.26_FIRN Testimony_Drivers Privacy Act.pdf

Uploaded by: Moravec, Joseph

Position: FAV



Resources for the Foreign Born

5999 Harpers Farm Road
Suite E-200
Columbia, MD 21044
410-992-1923
info@firnonline.org

FIRN Statement Regarding Maryland SB234/HB23- Maryland Driver Privacy Act

FIRN is a nonprofit organization located in Howard County, Maryland that empowers immigrants, refugees, asylees and other foreign-born individuals throughout Central Maryland by helping them access community resources and opportunities. FIRN opened its doors in October 1981 and serves immigrants from over 90 countries.

FIRN is very pleased to advocate for the approval and enactment of House Bill 23, otherwise known as the “Maryland Driver Privacy Act.” This legislation would ensure the private information of undocumented immigrants is protected against unwarranted investigations by Federal organizations, such as Immigration and Customs Enforcement (ICE). It also bars law enforcement officials from abusing state and local databases, allowing them access only when the inquiring party can prove there is probable cause. By protecting those interested in obtaining a driver’s license, House Bill 23 directly aligns with our mission of empowering new Americans to help them achieve their goals and access community opportunities.

Since the passing of the Maryland Highway Safety Act in 2013, it is estimated that more than 275,000 undocumented immigrants have registered for a license with the Motor Vehicle Administration (MVA). Also in that time, ICE has reportedly logged over 100 facial recognition sessions through the state driver’s database. Their access to this information has resulted in countless raids across the state, even targeting those with no criminal record, who have reportedly shared their personal information with no one other than the MVA. At FIRN, we have seen this breach of privacy deter our clients from applying for a driver’s license, which in turn limits their access to jobs, schools, doctor’s appointments, and more. This prohibits them not only from providing for themselves, but also from contributing to their community’s workforce and economy. As a result, we are ALL negatively impacted by these unapproved investigations.

We urge the House of Delegates to approve House Bill 23 and give all Maryland residents the confidence to apply for driver's licenses without fear of exposure or detainment. By requiring law enforcement officials to provide evidence and reasoning for access to state databases, you give these often vulnerable members of our society lawful protection so they can continue to support their families and contribute to our communities without fear.

Sources:

<https://www.aclu-md.org/en/press-releases/general-assembly-passes-bill-expand-drivers-license-access-immigrants>

<https://www.baltimoresun.com/maryland/bs-md-immigrant-licenses-20140920-story.html>

<https://www.washingtonpost.com/technology/2020/02/26/ice-has-run-facial-recognition-searches-millions-maryland-drivers/>

Sincerely,



Mike Mitchell, CEO

FIRN Inc.

mmitchell@firnonline.org

443-276-3165 direct

443-928-8867 cell

SB234 written testimony - Murray.pdf

Uploaded by: Murray, Kerriann

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 10. I am testifying **in support of Senate Bill 234**.



This bill requires Immigration and Customs Enforcement (ICE) to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport undocumented immigrants. Undocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

Take, for example José, a member of our community who immigrated here from El Salvador decades ago, fleeing violence after several of his family members were killed. Earlier this year, ICE arrested José in front of his family without explanation. The arresting officer revealed they found him using his driver's license information. José then spent eight months in a local detention center, leaving his wife to support their five children on her own. Although he was released, José faces the threat of deportation every day.

Not only does this harm the immigrant community and threaten public safety by encouraging more unlicensed drivers on the road, but it also raises the issue of transparency and accountability. Currently, data searches don't have to be reported — this bill would change that. It would also monitor ICE's use of facial recognition technology, which is racially biased and frequently inaccurate.

Senate Bill 234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in **support of Senate Bill 234**.

Thank you for your time, service, and consideration.

Sincerely,

Kerriann Eileen Murray

221 Northway Road, Reisterstown, 21136

Showing Up for Racial Justice Baltimore

Elsa Vargas_FAV_SB234.pdf

Uploaded by: Paul, Cathryn

Position: FAV

Testimony in SUPPORT of SB234

Personal Information - State and Local Agencies - Restrictions on Access

Elsa Vargas, Montgomery County Resident

Dear Chairman Smith and Members of the Committee:

My name is Elsa Vargas. I want to share with you my worries about immigration having access to the MVA. I am undocumented and I got my driver's permit. I tried the MVA with my personal information, but now I am very worried. It worries me having the MVA provide access to information to ICE that can be used to deport immigrants. I am a mother of three children and I can't imagine being separated from them like they did to our community member, Jose Hernandez, who was detained in Rockville last year by immigration. ICE said they received his information from the MVA. He was detained for 8 months away from his family during COVID-19. That's why I ask you to stop allowing more families to suffer and to protect immigrant drivers and prohibit them from sharing information with ICE. Thank you and please vote yes to SB234.

Elsa Vargas, Montgomery County

Gabriel Albornoz_FAV_SB234.pdf

Uploaded by: Paul, Cathryn

Position: FAV

Gabriel Albornoz, D46 Resident

Testimony in SUPPORT of SB234

Personal Information - State and Local Agencies - Restrictions on Access

Senate Judicial Proceedings Committee

January 27, 2021

Good Afternoon Chairman Smith and Members of the Committee,

My name is Gabriel Alejandro Abornoz and I have lived in Baltimore for two years. I work as a cook and I take the bus to work every day. I am allowed to get a driver's license, but I take the bus everyday because I am afraid to do the process to get my driver's license. I am afraid that the MVA will share my personal information with ICE agents.

I came to the United States from Colombia due to the insecure environment there and have not been able to get legal status. I came in search of better opportunities for my family and for myself. I work very hard every day and I always pay my taxes.

Unfortunately, those of us without a regular status in this country, like myself and my coworkers, live in fear everyday. I don't even feel comfortable getting a bank account because I am afraid that my ICE will get access to my personal information. This has had the biggest impact on me and my family. We live afraid and sad, and it's almost impossible to enjoy just one day in the park.

I ask members of the committee to support this bill that keeps our personal data safe. It is the most valuable thing we have. Immigrants make this nation beautiful. If you give us a chance, I assure you that we will be good citizens. Please support SB234. Thank you.

Jose Hernandez_FAV_SB234.pdf

Uploaded by: Paul, Cathryn

Position: FAV

Testimony in SUPPORT of SB234

Personal Information - State and Local Agencies - Restrictions on Access

Jose Hernandez, Resident of Rockville, MD

Dear Chairman Clippinger and Members of the Committee:

My name is Jose Hernandez and I am writing to ask you to support SB234, the Driver Privacy Act. Last year, you heard from my wife, Maribel, who testified in support of this bill at the house and senate hearings last year. She testified not long after I was arrested and detained by ICE. Her and my children traveled to Annapolis to share our story because MVA data sharing with ICE has severely hurt me and my family.

I immigrated to the United States from El Salvador decades ago and have been living in Rockville, Montgomery County for several years with my wife and five children. In the early morning hours of February 2020, ICE agents stormed by house and arrested me in front of my children. When I asked them how they found my information, they told me that they were able to track me using the MVA database. That day, they took me to the Howard County Detention Center. I spent most of the last year in detention - around 8 months in total.

During those 8 months, I experienced some of the most dangerous health conditions and inhumane treatment that I had ever had to endure. I was eventually released back to my family and now, I await for my case to play out in the immigration courts.

For the 8 months that I was detained, my family and I suffered so much, both physically and mentally. My wife was left to take care of all five of my children, while working long hours to make ends meet. When the pandemic hit, it became even more difficult for my wife to manage the responsibilities of parenting and working on her own. It was very scary for me as well, being in jail during a pandemic with such poor health conditions.

Up to this day, I continue to suffer from the traumatic experiences from my time in the detention center. When I got my driver's license, I thought that I was safe to drive. I had no idea that ICE would be using that information and that it would separate me from my family.

I am here today to share my story in hopes that no other family or individual goes through what I went through again. I am here to ask state legislators and members of the committee to support this important bill, SB234, to prohibit ICE from accessing information from the MVA database.

Karla Rodriguez_FAV_SB234.pdf

Uploaded by: Paul, Cathryn

Position: FAV

Karla Rodriguez, Resident of Prince George's County

Testimony in SUPPORT of SB234

Personal Information - State and Local Agencies - Restrictions on Access

January 27, 2021

Good Afternoon Chairman Smith and Members of the Committee,

My name is Karla Rodriguez and I am writing today to ask for your support of the Driver Privacy Act (SB234). I live in the city of Riverdale and Prince George's County. I'm an undocumented mother of three and have been living in the United States for seven years. After two years of living here in Maryland, I was eligible for a driver's license - but I haven't gotten one because I'm too afraid that the MVA will share my information with ICE.

When I was a little girl, my grandmother always taught me the importance of obeying laws. She taught me that obeying the laws of the land are like following God's laws, and that we will do very well in life if we follow them. Now that Maryland has allowed us undocumented immigrants to get their driver's license legally, I want to be able to drive. But how can I trust the MVA and the government if they are just using our information to share it with ICE?

I have heard too many stories and testimonies of people who have had ICE show up at their doorstep after an encounter with police or simply for doing nothing but giving their information to the MVA. I do not want that to happen to me.

My children only know this county. Please pass the law so that we can drive without fear that ICE will review our data with the MVA. Thank you for reading my story.

Marcia Bravo_FAV_SB234.pdf

Uploaded by: Paul, Cathryn

Position: FAV

Marcia Bravo, Testimony in SUPPORT of SB234

Personal Information - State and Local Agencies - Restrictions on Access

January 27, 2021

Good Afternoon Chairman Smith and Members of the Committee,

My name is Marcia Bravo and I am an immigrant from Nicaragua. I have lived here in the United States for almost 19 years. I was abroad for a while and then I returned. Members of the committee, I am writing to ask for your vote for SB234.

I have never had a pleasant experience with the police and the DMV. When I was living in North Carolina, the police would stop people all the time while driving. They would make people stay in the same place for a long time, sometimes all day, not caring about whether we had children with us or not. Sometimes the children would be crying with hunger and no one could remove them.

When I was living there, I was harassed and racially profiled so much. Sometimes, officers would stand on the same corners that we would travel and just wait for us, so that they could give us a ticket. It was so bad that in just a 6 month timeframe, I managed to get 7 tickets. The targeting was so bad that I left North Carolina.

Now that I am here in Maryland, I am so sad to hear that the MVA is helping ICE (who work with the police to racially target us) by sharing the personal information of drivers. I have personally met so many families who have been deported because of this. In one case, ICE arrived at the gentleman's home to arrest and deport him. He didn't do anything but get a driver's license. Because he ended up getting deported and had no other families in the country, he had to take his US citizen son with him back to Nicaragua. This completely tore their family apart and caused the son to suffer from severe mental illness.

Cases like this is why I believe that it is not fair for MVA to share information with ICE. You have made us believe that getting a driver's license is safe and that our information is private, but we know now that that is not true.

We are the human beings who came to this country escaping from the violence and conflicts of our countries. We came here hoping for something better, but arrived to the fear of basic things like getting a document that allows us to transport and identify ourselves.

By allowing the MVA to share data with ICE, you are aiding in separating families. It is damaging to the parents, but especially damaging for the children. For those reasons, please pass SB234.

TESTIMONY FOR SB0234 Personal Information - State

Uploaded by: Plante, Cecilia

Position: FAV



TESTIMONY FOR SB0234
PERSONAL INFORMATION – STATE AND LOCAL AGENCIES – RESTRICTIONS ON
ACCESS

Bill Sponsor: Senator Lam

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE**

I am submitting this testimony in favor of SB0234 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

In the past several years, Federal Immigration and Customs Enforcement (ICE) personnel have added facial-recognition searches to their arsenal to look for the undocumented. We, as residents of Maryland, should not allow this practice be used as a deportation tool. We all object to having our image searched, and certainly law-abiding residents should not be subjected to this kind of invasion of privacy.

Being undocumented is a civil crime, and given the number of years it can take to become naturalized, an understandable one. We believe that this is an egregious invasion of privacy and should be stopped.

We support this bill and recommend a **FAVORABLE** report in committee.

Testimony in support of SB0234.pdf

Uploaded by: Ratnayake, Kushan

Position: FAV

Testimony in support of SB0234

I believe that the existence of ICE is a crime. The organization was formed in the paranoid days after 9-11 and has become an unaccountable force that terrorizes those whose only crimes were being born in the wrong place and seeking better lives for themselves. ICE has a documented history of warehousing people in deplorable conditions, denying detainees medical treatment, rampant sexual and physical abuse, deaths of people under their care, mass hysterectomies, separating thousands of children from their parents, and sending asylum-seekers -- many of whom were fleeing war, destitution, or persecution for their beliefs or identities -- back to the situations they were trying to escape.

I believe that no human is illegal. I believe in the radical idea that where you happen to be born should not affect your quality of life or freedom to cross arbitrary borders. This is especially true in the richest country in the history of all time. Research shows that immigration has a short-term and long-term positive effect on our economy. I welcome immigration and therefore support this bill. ICE should not be allowed to collaborate with any agency. It should be abolished.

SB 154 - Right to Counsel in Eviction Hearings.pdf

Uploaded by: Rochkind, Jonathan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying in **support of Senate Bill 154.**



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the Abell Foundation, estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homeless if this common-sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *“The problems created by coronavirus today aren’t going to disappear tomorrow — especially if we’re not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities.”*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let’s do it across the state of Maryland. To conclude, I strongly encourage you to vote **in support of Senate Bill 154.**

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB0234- Testimony- Support- JS.pdf

Uploaded by: Sell, Jennifer

Position: FAV

Judicial Proceedings Committee

Bill #: SB0234

**Bill Title: Personal Information - State and Local Agencies - Restrictions on Access
January 28, 2021**

****SUPPORT****

To the members of the Judicial Proceedings Committee,

I am a resident of District 33 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County.

I am testifying in support of The Driver Privacy Act (HB0023/SB0234), which requires ICE to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport undocumented immigrants. Undocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

Take, for example José, a member of our community who immigrated here from El Salvador decades ago, fleeing violence after several of his family members were killed. Earlier this year, ICE arrested José in front of his family without explanation. The arresting officer revealed they found him using his driver's license information. José then spent eight months in a local detention center, leaving his wife to support their five children on her own. Although he was released, José faces the threat of deportation every day.

Not only does this harm the immigrant community and threaten public safety by encouraging more unlicensed drivers on the road, but it also raises the issue of transparency and accountability. Currently, data searches don't have to be reported — this bill would change that. It would also monitor ICE's use of facial recognition technology, which is racially biased and frequently inaccurate.

The Driver Privacy Act will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in support of SB0234 and pass the Driver Privacy Act this session.

Thank you for your time, service, and consideration.

Sincerely,
Jennifer Sell

444 Lynwood Dr
Severna Park, MD 21146

SB 234 - Driver Privacy Act.pdf

Uploaded by: Smeton, Jonathan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying **in support of Senate Bill 234**.



This bill requires Immigration and Customs Enforcement (ICE) to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport undocumented immigrants. Undocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

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Senate Bill 234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in **support of Senate Bill 234**.

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Smeton

3140 Ellerslie Avenue, Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

SB 234_FAV_ACLU_Spielberger.pdf

Uploaded by: Spielberg, Joe

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
January 28, 2021**

**SB 234 – Personal Information – State and Local Agencies –
Restrictions on Access**

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

FAVORABLE

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LIBERTIES UNION
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DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 234, which would protect the privacy of Maryland drivers who are immigrants, by requiring federal law enforcement authorities to obtain a warrant before accessing personal information that the MVA collects about motorists.

Currently, ICE can conduct wide-ranging searches of MVA records without oversight, obtaining personal information and running facial recognition searches for anyone who applies for a Maryland driver's license. Recent research from the Center on Privacy and Technology at Georgetown Law Center shows wide-spread data-sharing between MVA and ICE. ICE has long utilized technology to target immigrants, and in the process sweeps up everyone in vulnerable communities. The ACLU-MD's grave concerns about the civil liberties risks of mass surveillance are heightened even more so when this type of surveillance only fuels ICE's deportation machine.

In 2013, the Maryland General Assembly recognized the need to extend driving privileges to all Marylanders, regardless of immigration status, to ensure that everyone who needs to drive to live their lives and take care of their families can do so. ICE's mass targeting of people's personal information puts immigrants and their families at risk, and endangers communities.

A free society demands that people be able to control who has access to information about them and under which circumstances. The ACLU-MD's commitment to immigrants' rights, privacy, and civil liberties compels us to call on local agencies to stop sharing residents' personal information with ICE and assisting with federal immigration enforcement. It is time to take back control of our information and ensure that Maryland communities do not collaborate with ICE.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 234.

D4CC - Support Driver Privacy Act SB 234.pdf

Uploaded by: Sugarman, Kate

Position: FAV



SB 234/HB 023 – SUPPORT

Kate Sugarman
Doctors for Camp Closures, Maryland
katesugarman@hotmail.com
301-343-5724

SB 234/HB 023 - SUPPORT

Public Information Act – State and Local Agencies – Restrictions on Access

Senate Judicial Proceedings Committee/House Judiciary Committee

January 28, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Chapter of Doctors for Camp Closure strongly supports the Maryland Driver Privacy Act SB 234/HB 023. We are part of the national Doctors for Camp Closure organization which is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention of migrants and refugees who are attempting to enter the United States of America.

We know as eye witnesses, that there is no healthy amount of time for an immigrant to be detained. We have been inside of immigration detention centers and we know how hazardous these places are both to the immigrants and their families. When Maryland Motor Vehicles Administration releases the names of undocumented immigrants who live in Maryland, that results in ICE arrests, detentions and deportations.

It is critical that our immigrant neighbors know that they can trust the Motor Vehicles Administration. They need to know that they can get drivers' licenses so that they can drive safely and with car insurance.

They should not have to fear that their information will then be disclosed to ICE. That puts them at very high risk of detention and deportation. The end result will be family separation and untold suffering.

On behalf of the health of these immigrants and their families we urge you to support the passage of the Maryland Driver Privacy Act.

We urge a favorable report on SB 234/HB 023.

TPM SB234 Support.pdf

Uploaded by: Syrrakos, Holly

Position: FAV



SB 234 / HB 23 – SUPPORT PERSONAL INFORMATION – STATE AND LOCAL AGENCIES – RESTRICTIONS ON ACCESS

Judicial Proceedings Committee

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

Takoma Park Mobilization is a grassroots organization with 2,300 members that advocates and works to ensure equal treatment and justice for all at every level of government. We are in SUPPORT of SB 234 / HB 23.

The passage of SB 234 (Driver Privacy Act) requires federal authorities to obtain a warrant in order to access personal information that the MVA gathers about drivers. The bill protects vulnerable members of our community from misuse of their sensitive and private data by limiting Immigration and Customs Enforcement's (ICE) ability to use the MVA database without oversight.

As it stands, ICE can log in to Maryland's law enforcement database and conduct wide ranging searches of MVA records, looking through information about anyone who applies for a Maryland driver's license. ICE can search for names, birthdates, addresses, and can even run facial recognition searches on MVA license photos.

This law requires law enforcement using the MVA records to have a valid reason for looking through the personal information of Marylanders. It prevents state agencies like the MVA from participating in federal immigration enforcement. It also stops ICE from using facial recognition technology—notoriously unreliable when identifying people of color—to target immigrants. Rep. Bennie G. Thompson (D-Miss.), chair of the Committee on Homeland Security, noted that a NIST report showed “facial recognition systems are even more unreliable and racially biased than we feared.”

Years ago, Maryland extended driving privileges to every qualified person regardless of immigration status. The intent of that law was to ensure that everyone who needs to drive would be able to do so in a legal and regulated way—so that no one would end up in immigration court because they were forced to drive without a license. This action improved public safety as it resulted in a dramatic decrease in the number of unlicensed drivers on the road. (Approx. 275K undocumented immigrants in MD.)

Since then, research from several organizations including the Center on Privacy and Technology at the Georgetown Law Center has exposed rampant data sharing between the MVA and ICE. ICE has been targeting states like Maryland that extended driving privileges to undocumented immigrants—detaining and deporting residents in states with laws that were meant to increase community safety.

Passage of this bill is essential to fulfill legislators' promise to undocumented community members that they could safely get a driver's license. California, New York and New Jersey have already passed similar legislation.

The proposed law does not conflict with any federal law related to information sharing, as MVA does not collect information specifically about immigration status.

The Eastern part of Montgomery County, where most of our members live, has one of the most diverse populations in Maryland, with recent immigrants accounting for a significant segment of our population. We value this diversity and appreciate what immigrants add to our community—they are small business people, service providers and enrich our culture through the arts. We believe all people should have an opportunity to live in peace and realize their aspirations without harassment.

We urge a favorable report on SB 234.

*Submitted for Takoma Park Mobilization by Holly Syrrakos, hollyrockus@gmail.com,
301-312-2525
January 21, 2021*

SB 234 - Driver Privacy Act.docx.pdf

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 10. I am testifying **in support of Senate Bill 234**.



This bill requires Immigration and Customs Enforcement (ICE) to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

Unfortunately, the MD Highway Safety Act lacked clear guidance on who has access to the information the MVA collects, which has allowed ICE to mine this data and use it to harass, detain, and deport undocumented immigrants. Undocumented immigrants no longer feel safe to get their licenses — and those who have them live in constant fear of being targeted and deported.

Take, for example José, a member of our community who immigrated here from El Salvador decades ago, fleeing violence after several of his family members were killed. Earlier this year, ICE arrested José in front of his family without explanation. The arresting officer revealed they found him using his driver's license information. José then spent eight months in a local detention center, leaving his wife to support their five children on her own. Although he was released, José faces the threat of deportation every day.

Not only does this harm the immigrant community and threaten public safety by encouraging more unlicensed drivers on the road, but it also raises the issue of transparency and accountability. Currently, data searches don't have to be reported — this bill would change that. It would also monitor ICE's use of facial recognition technology, which is racially biased and frequently inaccurate.

Senate Bill 234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in **support of Senate Bill 234**.

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD 21136

Showing Up for Racial Justice Baltimore

SB 234 - Driver Privacy Act.pdf

Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 12. I am testifying **in support of Senate Bill 234**.



This bill requires Immigration and Customs Enforcement (ICE) to obtain a warrant in order to access personal information that the MVA gathers about drivers.

In 2013, the General Assembly voted to extend driving privileges to all Marylanders regardless of immigration status. The Maryland Highway Safety Act was a huge win for the immigrant community. It also improved public safety by decreasing the number of unlicensed drivers on the road and ensuring that everyone who needs to drive can obtain a license in a legal and regulated way.

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Senate Bill 234 will not prevent ICE and other agencies from accessing MVA information when there is probable cause of criminality. It simply adds a necessary check on ICE to balance the needs of law enforcement with the rights of all Maryland drivers.

It is for these reasons that I am encouraging you to vote in **support of Senate Bill 234**.

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

DPSCS_OPPOSE_SB234.pdf

Uploaded by: Green, David

Position: UNF



Department of Public Safety and Correctional Services

Office of the Secretary
Office of Government and Legislative Affairs
45 Calvert Street, Suite B7A-C, Annapolis MD 21401
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BILL: SENATE BILL 234

POSITION: OPPOSITION

EXPLANATION: This bill requires the denial of inspection of certain parts of public records by a federal agency unless they have a valid State or federal warrant. The bill would also require the development of an annual report to be submitted to the General Assembly beginning June 1, 2023. Finally, the bill proposes to limit access to any database operated by State, local, and private vendors for law enforcement agencies to individuals acting on behalf of law enforcement agencies. **Limiting access to any database operated by State, local, and private vendors to law enforcement agencies removes the ability of Correctional Case Managers, Division of Parole and Probation (DPP) Agents, and other criminal justice professionals from being able to perform essential job functions.**

COMMENTS:

- The Department of Public Safety and Correctional Services (DPSCS) primary mission is to oversee the Division of Correction (DOC), which houses inmates sentenced to terms of incarceration exceeding 18 months, the Division of Parole and Probation, and the Baltimore City Pretrial Complex.
- The Department is tasked with overseeing the Division of Parole and Probation (DPP). DPP agents supervise individuals within the community who are awaiting trial, have been placed on supervised probation, have been paroled by the Maryland Parole Commission, or have been placed on Mandatory Supervision upon release under the authority of the Maryland Parole Commission. DPP also supervises Marylanders who have been court-ordered into the Drinking Driver Monitor Program.
- Case Managers within the DOC, and DPDS are tasked with the development and monitoring of individual case plans to support inmates' rehabilitative efforts. The development of a multidisciplinary program plan is based on available assessment information, and includes education, occupational training, substance abuse/mental health treatment, cognitive behavior programming, and assignment to work release. As such, it is imperative that case managers have access to vital criminal justice databases.

- The Department houses the Criminal Justice Information System (CJIS) which is the repository for law enforcement to access criminal history record information, fingerprints, etc., and provides background checks to statutorily or regulatory authorized entities.
- Section 3–523 of SB 234 proposes new language stipulating that an agency operating a law enforcement database must limit access to law enforcement officers or individuals acting on behalf of a law enforcement agency. **This would have a significantly detrimental effect on Case Managers, Parole and Probation Agents, and many other Departmental non law enforcement personnel, but who rely on access to this information in order to carry out their duties.**
- Databases utilized by DPP Agents and Correctional Case Managers include:
 - Criminal Justice Information System;
 - Department of Juvenile Services Assist;
 - DPSCS Reporting system;
 - Judicial Information Systems and the Maryland Odyssey File and Serve Site;
 - Judiciary Portal (JPortal);
 - Maryland Record of Arrest and Prosecution (RAP) Sheet;
 - Maryland Sex Offender Registry/Offender Watch;
 - Maryland Telecommunications Enforcement Resource System (METERS)
 - Motor Vehicle Administration;
 - National Crime Information Center (NCIC); and
 - Vinelink;
- Law enforcement agency is defined in Public Safety Article § 3-201(d) and the definition does not include DPP or DOC. Restricting access to law enforcement agencies or their representatives excludes DPP and DOC personnel.
- DPP Agents use CJIS on a regular basis to ascertain court information and charges on individuals. Every charge that could violate a person's supervision does not come from an arrest. There are jailable traffic offenses that often come out of a traffic citation. Charges like Driving While Suspended would no longer be able to be accessed by an Agent if they do not have access to this database, which would lead to individuals not being held accountable for violating the terms of supervision by obeying all laws.

- Correctional case managers utilize the databases to identify active warrants or open charges ensuring the appropriate court, or agency of record is notified of the inmate's whereabouts.
- This would be the same for the Judiciary and other like criminal justice agencies that access DPSCS systems in order to perform their criminal justice responsibilities that parallel law enforcement responsibilities. **One cannot operate without the other.**
- **The passage of SB 234 would result in all criminal justice personnel (internal and external to DPSCS) access being restricted.**

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully urges an **UNFAVORABLE** report from the Committee on Senate Bill 234.

SB 234.pdf

Uploaded by: Paul, Ellen

Position: UNF

SB 234

Personal Information – Restrictions on Access

Oppose

Judicial Proceedings

I oppose this bill because all federal, state, and local law enforcement officers (including immigration officers) should have access to all available technologies to perform their duties. This should include public records and facial recognition databases for all civil and criminal immigration enforcement. A judicial warrant should not be necessary for law enforcement to search databases.

This could mean the difference between catching dangerous criminal aliens or allowing them to roam our streets. Government should prioritize protecting the community and not supporting legislation that makes the lives of dangerous criminal aliens easier.

Ellen Paul

11004 Roundtable Court

Rockville, Maryland 20852

1/26/2020

Maryland testimony opposing SB 234 - Facial Recogn

Uploaded by: Rendall, Shari

Position: UNF

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*Board of Directors Emeritus

FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



January 25, 2021

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

Dear Chairman Smith and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is an non-profit, non-partisan organization of concerned individuals who believe that our immigration law must be reformed to serve our nation's interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of our members and supporters, I am writing to express FAIR's opposition to Senate Bill (SB) 234. FAIR opposes the reckless lawlessness of sanctuary policies like those imposed by this bill.

Sanctuary policies place a greater emphasis on the welfare of illegal aliens than the well-being and safety of citizens and legal immigrants in their own communities by impeding the enforcement of federal immigration laws and blocking collaboration between state and local officials and federal immigration officials.

SB 234 requires state or local officials to deny immigration officials access to public records that contain the personal information or photograph of an individual for civil immigration enforcement or for criminal immigration enforcement without a judicial warrant. It also requires state or local officials to deny immigration officials the ability to search facial recognition databases for civil immigration enforcement or for criminal immigration enforcement without a judicial warrant.

This legislation conflicts with federal law. Specifically, 8 U.S.C. §1357 (g) (10) states that a formal agreement with the federal government is *not*



necessary for any officer or employee of a state or local agency to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States or to cooperate with the Attorney General in the identification, apprehension, *detention*, or removal of aliens not lawfully present in the United States.

Facial recognition technology and other biometric data is regularly used by federal, state, and local law enforcement officers. Department of Motor Vehicle records and other public records have long been a basic tool for law enforcement work. Moreover, SB 234 still permits state and local law enforcement to continue to access these databases for legitimate law enforcement purposes. Immigration enforcement officers should be no different. It is important for Immigration and Customs Enforcement (ICE) officials to be able to use facial recognition technology and other biometric data in the fight against terrorists, criminals, and violent international cartels. ICE officers must not be hampered in their ability to collaborate with other state and local officials to obtain information that may assist them in identifying and finding those who pose public safety and national security threats.

Further, sanctuary policies, like SB 234, deny ICE critical assistance to enable it to accomplish its statutorily mandated mission to identify and ultimately remove illegal aliens. Access to these databases is established procedure with other law enforcement agencies. ICE officials should be afforded the same access.

To ensure the safety of our communities, state and local law enforcement and governments should be encouraged—not discouraged—from cooperating with federal immigration authorities. For these reasons, FAIR opposes SB 234.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The script is cursive and fluid, with the first letters of "Shari" and "Rendall" being capitalized and prominent.

Shari Rendall

SB 234 Testmony Against.pdf

Uploaded by: Tu, Chengbiao

Position: UNF

Jan 26, 2021

Mr. Chairman and respectful committee members,

Good afternoon. My name is Cheng Tu and I am a legal immigrant and US citizen residing in Rockville.

I am here to **testify against SB234** because Maryland should NOT use taxpayers fund to support illegal immigration.

As a Maryland taxpayer and U.S. taxpayer, I expect different levels of the government to work together to protect me, not against each other. Same as I don't use my right hand to beat my left hand. I want government to run efficiently and effectively. This bill work directly against that.

I am AGAINST this bill.

Cheng Tu

SB 234 Written Testimony 1_28_21.pdf

Uploaded by: Waychoff, Amy

Position: UNF

Amy Waychoff
SB 234
Judicial Proceedings Committee
Opposed

January 28, 2021

My name is Amy Waychoff, and I have lived in Montgomery County for over 33 years. Thank you for giving me the opportunity to provide testimony on SB 234. This bill would require state and local employees to deny access by immigration officials to any database of facial recognition except with a judicial warrant. Incongruently, other federal officials would continue to have access to these databases. This bill would also prohibit immigration officials from accessing public records that contain the personal information or photograph of an individual without a warrant. It can take considerable time to obtain a judicial warrant, opening the door to an increase of criminal illegal aliens on the streets. Passage of this bill would make Maryland only the second state, after Massachusetts, to do so. This bill would erect yet another barrier to full cooperation between local authorities and federal immigration officers. The state of Maryland has a duty to protect its citizens; passage of SB 234 would greatly impair its ability to do so. I strongly recommend an unfavorable report on this bill.

Sincerely,

Amy Waychoff
4511 Amherst Lane
Bethesda, MD 20814
LD 18
waychoff@comcast.net

SB0234 - MVA - Personal Information - Restrictions

Uploaded by: Westervelt, Patricia

Position: UNF

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.
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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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AgainstSB0234.pdf

Uploaded by: Zeng, Jianning

Position: UNF

Dear Senators,

My name is Jianning Zeng, a proud, legal immigrant, a resident in Maryland for about 20 years, and I am here against the Sanctuary bill SB0234 in Maryland.

SB0234 will label our state as a Sanctuary state and hence a destination of choice for illegals to come, impacting our public safety.

Facial recognition technology and other bio-metric data is regularly used by federal, state, and local law enforcement officers. SB 234 still permits them to continue to access these databases for legitimate law enforcement purposes.

Only immigration officers are precluded from use or access to facial recognition technology, not any other federal law enforcement. When time is of the essence, this could mean the difference between catching dangerous criminal aliens or allowing them to remain on the streets.

So dear Senators, please vote NO to SB0234.

Jianning Zeng

Maryland Resident