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The Maryland House of Delegates
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The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

Testimony in Support of House Bill 23 Personal Information – State and Local Agencies – Restrictions on Access

Dear Chairman Clippinger, Vice Chair Atterbeary, and Members of Judiciary:

Eight years ago, the General Assembly enacted an authorization for second-tier driver's licenses. These licenses comply with federal law, which specifically permits the issuance of a second type of license that is not usable for federal purposes like entering federal buildings or getting on airplanes.

Most of those who apply for this license are undocumented immigrants. However, some are also citizens who can't find their birth certificate or who don't want to go through the arduous process of contacting their birth state to get a copy.

When we approved this authorization, none of us considered that U.S. Immigration and Customs Enforcement (ICE) would have access to information on those driver's licenses, for purposes of civil immigration enforcement. But as it turns out, under State law, ICE can access that information. If ICE has the name of someone whom they suspect is undocumented, but who otherwise has committed no crime, ICE can get the person's address and photo, find that person, and then deport him or her.

We have no idea how often ICE is doing this. But there are confirmed cases that this has been happening. And the Baltimore Sun interviewed ICE officials who acknowledged that they use any source of information legally available to them to find individuals.

In Maryland, access to MVA data is through the Maryland Image Repository System (MIRS), which is supervised by the Department of Public Safety and Correctional Services (DPSCS). Federal and state agencies access MIRS data through the system maintained by DPSCS, and we know that DPSCS can

determine when ICE accesses the system. DPSCS told us that ICE made 14 search requests in 2018 and 42 in 2019. (Letter is attached.)

House Bill 23 will prevent any state or local agency from providing access to MIRS, other personal information, or doing a facial recognition search of photos for civil immigration enforcement. Access for criminal immigration enforcement is allowed only if a warrant issued by a federal court or Maryland court is presented. This can easily be done electronically.

I want to be clear, the concern is not about situations where there is a valid criminal investigation. No one would argue that ICE should not be allowed to access the MIRS system in those cases. But, then they would have a warrant, which would allow them access. The concern, not only in Maryland, but in other states that have created these special driver's licenses, is that ICE is gaining access to this information for the purpose of deporting people who have committed no crime.

We should not allow that to happen.