

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

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 88  
State and Local Government – Participation in Federal  
Immigration Enforcement  
**DATE:** January 20, 2021  
(1/27)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 88. This bill requires the Attorney General to develop guidelines to assist courthouses in drafting policies that limit civil immigration enforcement activities on courthouse premises. This bill also allows courthouses to establish and publish policies that limit immigration enforcement on the courthouse premises consistent with federal and state law based on the guidelines developed by the Attorney General.

Article IV, §18 of the Maryland Constitution dictates that the “Court of Appeals from time to time shall adopt rules and regulations concerning the practice and procedure in and the administration of the appellate courts and in the other courts of this State.” Although it is discretionary for the court to adopt and implement policies based on the guidelines established by the Attorney General, any state guidelines that could serve to impede Federal law enforcement personnel from carrying out activities that are lawful under Federal law may well be unconstitutional under the Supremacy clauses in both the U.S. and Maryland Constitutions. This bill also instructs the legislative and executive branches to develop guidelines for court operations, which is inconsistent with judicial independence.

In addition, this bill directs the courts to limit access to court buildings, and among other things, may direct the Judiciary to contravene federal law. This bill goes beyond and is quite different from policies that prohibit state personnel from actively cooperating with or assisting Federal officials in enforcing federal law. This bill could have the consequence of barring federal officials from public courthouses because an employee believes that the guidelines drafted by the Attorney General permit such a restriction.

cc. Hon. William Smith, Jr.

Judicial Council  
Legislative Committee  
Kelley O'Connor