



### **Testimony in OPPOSITION of SB387**

Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants  
(Protecting Marylanders From Violent Offenders Act of 2025)

Senate Judiciary Proceedings Committee

February 4, 2025

Dear Honorable Chair Smith, Vice Chair Waldstreicher and Members of the Committee,

CASA opposes Senate Bill 387 - Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants (Protecting Marylanders From Violent Offenders Act of 2025). CASA is a national powerhouse organization building power and improving the quality of life in working-class: Black, Latino/a/e, Afro-descendent, Indigenous, and Immigrant communities.

Senate Bill 387 would require that State and local correctional facilities transfer certain undocumented immigrants in their custody to the U.S. Department of Homeland Security (DHS) on request. Specifically, the bill would require for transfer of undocumented immigrants who are serving a sentence for conviction of a crime, and (1) have engaged in or are suspected of terrorism, espionage, or otherwise pose a danger to national security, (2) have been convicted on an offense of which an element is active participation in a criminal street gang, (3) are at least 16 years old and intentionally participated in a criminal street gang, or (4) have been convicted of an aggravated felony. We ask the committee to consider the following concerns:

- **Immigration enforcement is a duty and responsibility solely of the federal government.** Local or state law enforcement agencies are not obligated to collaborate with federal immigration authorities, and doing so can give rise to serious liability concerns. The “requests” from the Department of Homeland Security (DHS) contemplated in SB387 are not warrants that comply with the Fourth Amendment and are not based on probable cause. They are generally what are called “detainers” where DHS is alleging that an individual is subject to removal from the United States and requesting that a facility hold or transfer the individual to their custody - though under the language of this bill, any “request” would suffice, so they would not even need the formal structure of a detainer. Detainers themselves are not based on any evidentiary standard and are not subject to independent review. Rather, they are administrative actions, not issued by a judge and not subject to the same level of scrutiny. Indeed, there have been documented

cases of DHS detaining *US citizens*, including in [recent enforcement efforts](#). If the State of Maryland, or any jurisdiction, facilitated the transfer of a U.S. citizen from its custody to DHS, it could expose the transferring jurisdiction and agency to significant liability.

- **SB387 has unclear and broad standards.** The bill would require transfers for those “suspected” of terrorism and espionage. Suspicions are not convictions. This vague language could lead to wrongful deportations without due process and sufficient evidence. In addition, it requires that state and local correctional facilities comply with *any* “request” by DHS to transfer an individual. This language is so broad that it extends even beyond the problematic “detainers” explained above. It could include a phone call from a single enforcement agent profiling a particular individual without any actual evidence of them being subject to removal from the United States.
- **SB387 doesn’t account for flawed gang databases.** Gang databases are notoriously inaccurate, disproportionately target communities of color, and lack transparent oversight. Countless individuals, including teenagers, have been wrongfully labeled as gang members based on arbitrary criteria, such as clothing choices, social media posts, etc. Mandating transfers based on flawed databases would further entrench racial profiling and wrongful detentions.

Maryland has made significant progress in adopting policies that promote community safety while protecting due process and civil rights. The passage of SB387 would be a step backward, aligning our state with policies that have been proven to break public trust.

**CASA respectfully asks the committee to submit an unfavorable report on Senate Bill 387.**