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POSITION ON PROPOSED LEGISLATION

BILL: SB828 Protecting Sensitive Locations Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 3.4.25

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on SB828.

Courthouses must be safe for everyone if real justice is to be done there. If some Marylanders must fear that any appearance in a courthouse carries the threat of detention, family separation, and exile, they will be less likely to contest an illegal eviction; file a lawsuit when they have been wronged; testify – for either side – in a criminal case; engage with any of the valuable specialty court programs that we have across the state; perhaps even less likely to fight for custody or parental rights, if by doing so they would risk an even more insurmountable separation from their children. Our state is at its best and safest when we offer equal recourse to all who need the protection of Maryland courts, and fairness and accountability to those accused of breaking Maryland law.

Our noncitizen clients, and the other immigrants who come into contact with the courts, are children, parents, breadwinners, caretakers, neighbors, and parishioners. They are human beings trying to hold themselves and their families together, often in the face of great upheaval and uncertainty. Many left their homes, whether recently or many years ago, to escape a situation where interacting with institutions and authorities felt dangerous, and came to the United States hoping to live under the robust rule of law. Over the last several weeks, between the rhetoric of mass deportation and the reality of new immigration enforcement policies, our own institutions have begun to feel increasingly dangerous to our immigrant clients. I have received inquiries from Public Defenders around the state wondering how – and if – they can honestly reassure their fearful clients

that it is safe to appear in court. These inquiries came not only on behalf of clients facing criminal trials, but also on behalf of juvenile respondents and their parents; clients who wanted to pursue post-conviction relief based on constitutional violations, but worried it was too dangerous to risk attending a hearing; clients facing minor traffic cases; and more than one client who badly wanted the help they could get in drug or mental health courts, but were concerned about the risk of regular courthouse appearances.

Undocumented Marylanders are not the only ones who are afraid. Immigrants with many different statuses are expressing fear to their attorneys, including children with Special Immigrant Juvenile Status, Temporary Protected Status holders, those granted humanitarian parole. In addition to those examples of fear from people whose statuses are genuinely precarious, we have also heard asylees, U.S. citizen children of undocumented parents, and at least one Lawful Permanent Resident (“LPR” or green card holder) who had not been convicted of any crime, express fear of ICE in the courthouse. These examples of genuine fear from people who are not legally subject to an ICE arrest illustrate how the perception that courthouses are unsafe can spread throughout a community and broadly chill engagement with the legal system.

This bill is modest in its scope, but the statement it makes is meaningful. The Attorney General’s guidance would help institutions across Maryland protect their spaces to the fullest extent possible, while ensuring that they are acting within the law. This Assembly’s commitment to keeping courthouses, treatment centers, mental health providers, and other sensitive locations as protected as the law allows would be one important step in reassuring immigrants across the state that our legal system can be trusted to protect all of Maryland’s communities.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB828.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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