

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**ANTHONY G. BROWN**  
*Attorney General*

**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

March 4, 2025

**TO:** The Honorable William C. Smith  
Chair, Judicial Proceedings Committee

**FROM:** Tiffany Clark  
Director, Legislative Affairs, Office of the Attorney General

**RE:** Senate Bill 828 - Immigration Enforcement – Sensitive Locations –  
Guidelines and Policies – **Letter of Concern**

---

The Office of the Attorney General (OAG) respectfully offers this letter of information to the Committee on **Senate Bill 828** – Immigration Enforcement – Sensitive Locations – Guidelines and Policies. **Senate Bill 828** requires (1) the Attorney General to develop guidelines relating to immigration enforcement at sensitive locations and (2) State agencies operating at a sensitive location to adopt certain policies. The OAG recognizes and appreciates the importance of ensuring that no one in Maryland lives in fear of being targeted in spaces that are intended to provide safety, we believe that the provisions outlined in this bill, though well-intentioned, may not be the most impactful way of achieving this critical goal.

First, the bill would not impose any direct statutory limitations on immigration enforcement activity at sensitive locations in the State. The bill would instead require OAG to develop such restrictions “to the fullest extent possible.” We think that direct statutory restrictions, if properly crafted to withstand legal scrutiny and made applicable to specified State and local government facilities, would more effectively accomplish the legislative purpose here. For example, among other things, such direct restrictions would be more likely than agency-made rules to reassure the public. Direct legislation of this sort has been enacted or is under consideration in some other states. See N.Y. Civil Rights Law § 28 (limiting “civil arrests” in or near courthouses); New York State Senate, S.B. 2235 (2025) (proposing to prohibit state and local officials from granting non-local law enforcement agencies access to non-public areas in government facilities without a

judicial warrant); California State Senate, S.B. 48 (2025) (proposing to prohibit public education officials in California from granting immigration enforcement agents access to a school campus without a judicial warrant).

Second, the bill purports to cover some private facilities, including places of worship. It is unclear what actions OAG would be expected to take with respect to such facilities. Any OAG rules purporting to “limit immigration enforcement” by federal actors at such facilities would raise serious questions under federal law. *See, e.g., United States v. King County*, 122 F.4th 740, 756, 758 (9th Cir. 2024).

Third, as currently drafted, the bill would require State agencies that are OAG clients to submit to OAG an “explanation of the[ir] reasons” for departing from the OAG guidelines. This requirement could have negative implications for the confidential nature of communications between OAG and its clients. If the bill retains its current form, we recommend deleting this requirement or specifying that the written explanations are not subject to disclosure under the Public Information Act.

The OAG urges the Committee to carefully consider the concerns outlined above as it deliberates this critical issue. The OAG is committed to working with the sponsor and the advocates on this bill to ensure Marylanders feel safe in these sensitive locations around the State. We have provided some amendments to the bill for the Committee to consider.

## OAG Amendment to SB 828

On pages 1 through 3, strike in their entirety the lines beginning with line 18 on page 1 through line 11 on page 3, inclusive and substitute:

“(A) IN THIS SECTION, “SENSITIVE LOCATION” MEANS” ANY PUBLIC SCHOOL, PUBLIC LIBRARY, HEALTH FACILITY OPERATED BY THE STATE, COURTHOUSE, SHELTER, OR ANY OTHER LOCATION THAT PROVIDES STATE-FUNDED SERVICES RELATED TO PHYSICAL OR MENTAL HEALTH AND WELLNESS, EDUCATION, OR ACCESS TO JUSTICE, AND THAT, AS DETERMINED BY THE ATTORNEY GENERAL, REQUIRES SPECIAL CONSIDERATION FOR IMMIGRATION ENFORCEMENT ACTIVITIES.

(B) (1) THE ATTORNEY GENERAL SHALL DEVELOP AND PUBLISH GUIDANCE REGARDING IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS TO INFORM THE PUBLIC AND RELEVANT STATE AGENCIES ABOUT:

(i) THE LIMITATIONS ON FEDERAL IMMIGRATION ENFORCEMENT ACTIVITIES AT SENSITIVE LOCATIONS; AND

(ii) THE RESPONSIBILITIES AND RESTRICTIONS ON A STATE AGENCY OPERATING WITHIN A SENSITIVE LOCATION TO ENSURE COMPLIANCE WITH FEDERAL AND STATE LAW WHILE MAINTAINING PUBLIC SAFETY AND ACCESSIBILITY.

(C) ON OR BEFORE OCTOBER 1, 2025, EACH STATE AGENCY, PUBLIC SCHOOL, HEALTH FACILITY OPERATED BY THE STATE, COURTHOUSE, AND OTHER FACILITIES SHALL IMPLEMENT A POLICY ISSUED CONSISTENT WITH SUBSECTION (B)(1) OF THIS SECTION.

(D) THE ISSUANCE OF POLICIES UNDER THIS SECTION IS NOT SUBJECT TO THE REQUIREMENTS OF THE MARYLAND ADMINISTRATIVE PROCEDURE ACT, TITLE 10, SUBTITLE 1, 2, AND 3 OF THE STATE GOVERNMENT ARTICLE.”.