

2025 SB0387 Testimony For 2025-02-04.pdf

Uploaded by: Alan Lang

Position: FAV

Testimony For SB0387

Honorable Senators

Please enter a favorable decision for SB0387.

I support requiring a State or local correctional facility with custody of an undocumented immigrant who is serving a sentence in the facility for conviction of a crime, on request of the United States Department of Homeland Security, to transfer the undocumented immigrant to the United States Department of Homeland Security under the certain circumstances listed in this bill.

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February 4, 2025

TESTIMONY SB0387-2025.pdf

Uploaded by: ANNA RUBIN

Position: UNF

SB0387_Ann Rubin_ Unfavorable

Jan. 31, 2025

Position: Unfavorable

Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants (Protecting Marylanders From Violent Offenders Act of 2025) Dr. Anna Rubin
Columbia, MD 21045

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

TO: Chair Senator Smith and Vice Chair Waldstreicher, Judicial Proceedings Committee

FROM: Dr. Anna Rubin

DATE: Friday, January 31, 2025

I am writing as a private citizen and as a member of the Columbia Jewish Congregation (chair of Social Justice Committee and former board member) as well as civic organizations.

I urge the committee to issue an unfavorable report on this bill.

The Torah commands us to pursue justice, and our sages instruct us that the methods we use to do so must be just themselves. Sen. Folden's bill expedites deportation which is a harmful practice separating families, inflicting trauma on the community, and using extreme punishment rather than working to rehabilitate the offender.

Respectfully submitted,

Dr. Anna Rubin (Emerita, UMBC) 21045

Testimony Oppose SB 387 Transfers to Federal Autho

Uploaded by: Ashley Egan

Position: UNF



Unitarian Universalist Legislative Ministry of Maryland

Testimony OPPOSED to SB 387, Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants (Protecting Marylanders From Violent Offenders Act of 2025)

To: Senator William Smith, Chair, and
Members of the Senate Judicial Proceedings Committee
From: Jim Caldiero, Lead Advocate, Immigration,
Unitarian Universalist Legislative Ministry of Maryland
Date: February 4, 2025

Thank you for the opportunity to offer testimony in OPPOSITION to **SB 387, Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants (Protecting Marylanders From Violent Offenders Act of 2025)**. I encourage the members of the Judicial Proceedings Committee to vote NO on this bill.

Over the past seven years, the Maryland General Assembly has successfully enacted laws that protect our immigrant neighbors, like the Dream Act, MVA Confidentiality, Protection for Witnesses via the U-Visa, Probation Before Judgment, Dignity Not Detention, and the Access to Care Act.

These laws have made Maryland safer and healthier—not just for our immigrant residents—but for all Marylanders. Moreover, even county governments have protected our immigrant neighbors from unwarranted intrusion and participation with federal immigration authorities with ordinances such as Howard County’s Liberty Act that was overwhelmingly approved by voters.

The current presidential administration’s intentions regarding the deportation of undocumented immigrants are clear but the methods may be inconsistent. As the American Immigration Council found, previous methods such as the Criminal Alien Program and its subordinate unit components were shown not to have a single, coherent approach.¹

Moreover, federal immigration authorities may be unprepared to handle all these transfers as the American Civil Liberties Union found in a Freedom of Information Act request leading to “inhumane and life-threatening” conditions and situations.²

Requiring Maryland correctional facilities to transfer undocumented immigrants into federal custody places correction authorities at legal risk. In 2017, Attorney General Frosh issued guidance to local law enforcement agents indicating that participation with federal authorities in the enforcement of immigration laws could expose local law enforcement officers to potential liability if they honor Immigration and Customs Enforcement or Customs and Border Protection requests. And Attorney General Brown just joined with the Attorneys General of California, New York, Colorado, Hawaii, Illinois, Massachusetts, Rhode Island, New Mexico and Vermont arguing that state resources cannot be commandeered or used for federal immigration enforcement.³

My faith—that I share with more than 4000 Unitarian Universalists statewide—calls me to seek justice, equity, and compassion in human relations, values which our previous General Assemblies have embraced with the passage of the bills I mentioned. Subjecting undocumented immigrant prisoners to potentially inhumane and life-threatening conditions is anathema to my faith's values and the values expressed in Maryland's Declaration of Rights against "cruel and unusual pains and penalties."

Please VOTE NO on SB 387.

Thank you for your consideration.

1. https://www.americanimmigrationcouncil.org/sites/default/files/research/cap_fact_sheet_8-1_fin_0.pdf
2. <https://www.aclu.org/press-releases/aclu-foia-litigation-continues-to-disclose-ice-proposals-to-expand-immigration-detention-nationwide>
3. <https://www.marylandattorneygeneral.gov/press/2025/012325.pdf>

CASA_OPP_SB387.pdf

Uploaded by: Ninfa Amador-Hernandez

Position: UNF



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.

Testimony opposing SB0387 - Correctional Services

Uploaded by: Richard KAP Kaplowitz

Position: UNF

02/04/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0387 - POSITION: FAVORABLE
Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants
(Protecting Marylanders From Violent Offenders Act of 2025)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony opposing SB#/0387, Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants (Protecting Marylanders From Violent Offenders Act of 2025)

This bill does not seem to match its title classification on “Violent Offenders”. An undocumented person may be confined in a facility for a crime against property such as theft that was NOT a violent crime. The ACLU Immigrants Rights Project has documented: ¹

Over the past several years, states and localities around the country have increasingly considered and used state and local laws to impose criminal penalties on undocumented immigrants. At the same time, the federal government has increasingly chosen to criminally prosecute individuals who enter or reenter the United States illegally rather than rely on the extensive civil enforcement scheme under the federal immigration laws.

This unequal treatment means undocumented immigrants are arrested and convicted at much higher rates than other groups in our population. This bill is an attempt to further the mistreatment of immigrants by giving US DHS more power to continue that conduct. It fails to consider any mitigating factors in favor of treating immigrant populations as inherently violent criminals needing removal in all cases from the community.

The bill reflects the Project 2025 plans to use local resources to supplement Federal resources in carrying out mass deportations for all immigrants. It would accomplish this aim through requiring a State or local correctional facility with custody of an undocumented immigrant who is serving a sentence in the facility for conviction of a crime, on request of the United States Department of Homeland Security, to transfer the undocumented immigrant to the United States Department of Homeland Security under certain circumstances.

I respectfully urge this committee to return an unfavorable report on SB0387.