



HOUSE JUDICIARY COMMITTEE

Senate Bill 977

Enforcement of Federal Immigration Law - Restrictions on Access to Information (Maryland Data Privacy Act)

March 26, 2025

Letter of Information

Chair Clippinger, Vice Chair Bartlett and members of the committee, thank you for the opportunity to provide comment on Senate Bill 977 as amended. Senate Bill 977 aims to enhance the protection of personal information by restricting state and local agencies from sharing data with federal entities for immigration enforcement without a valid warrant. The bill seeks to make existing standards more stringent, particularly in situations where immigration enforcement may be involved. The USM has not taken a formal position on this bill but acknowledges its intent to safeguard private information.

The University System of Maryland (USM) is comprised of twelve distinguished institutions, and three regional centers. We award eight out of every ten bachelor's degrees in the State. Each of USM's 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from Western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes three Historically Black Institutions, comprehensive institutions and research universities, and the country's largest public online institution.

The bill adds units of state or local government to the section of the law that already requires law enforcement to deny access to records in certain situations. The amended text would require all units of state or local government to deny access to records to that may be used in enforcing federal immigration law unless the individual presents a valid warrant issued by a state or federal court and which ***"...clearly identifies the record to be accessed..."***.

The USM recognizes two potentially significant problems with this, and other provisions of Senate Bill 977.

First, not all activities "enforcing federal immigration law" require a warrant. USM institutions, like all employers, are subject to [I-9 inspections](#), and this does not require a judicially issued warrant. Also, any USM universities that act as visa sponsors have compliance obligations. For example, we must report information about international students, visiting scholars, and employees on F-1 and J-1 visas in a Department of Homeland Security database called [SEVIS](#) (Student & Exchange Visitor Information System). Likewise, when we sponsor employment-based visas (H-1B, O-1, TN, E-3), USM institutions may (and occasionally do) receive site visits from the Fraud Detection and National Security (FDNS)

unit within Homeland Security Investigations. They are seeking to confirm that the institution has represented the nature of the employment correctly in filings. Some of the employment-based visas (H-1B and E-3) have U.S. Department of Labor (DOL) components that are subject to audit. Even though that is a separate agency, it is related to an immigration application and DOL can refer the findings from those audits to immigration authorities to act on the immigration status piece.

Moreover, USM employees are public employees that could be “obstructing justice” by standing in the way of a lawful warrant. By expanding the scope of this Law Enforcement Database law to all state agencies, the bill puts ordinary public employees (who are generally expected to uphold the law) in the role of determining whether a search warrant is “valid” and responsible for pushing back if the warrant does not “clearly identify the records to be accessed.” However, the validity of warrants (including questions about the specificity of the warrant) are generally things to be challenged in a court of law, not during an execution of the search.

Also, as a matter of criminal law, USM understands search warrants can be kept under seal in certain circumstances, and when it comes to data, they typically describe the thing to be seized (e.g., someone’s cell phone, computer, server, etc.) – not the specific record to be accessed on the thing to be seized.

The current political and policy climate around immigration is complex and rapidly evolving, which increases the likelihood of federal and state agencies holding actors accountable for errors, intentional or not. These concerns are part of a broader debate happening on college campuses nationwide. As the committee moves forward, it’s important to have clear guidelines that help universities respond to immigration enforcement actions while safeguarding the rights and privacy of students.

If the Committee intends to move forward with Senate Bill 977, the USM would like to ask for consideration of the following:

On page 4 line 24 after Subtitle 7 of the Criminal Procedure Article insert **(2) ANY PUBLICLY AVAILABLE DATA OR (3) ANY DATA THAT MUST BE DISCLOSED PURSUANT TO A COURT ORDER, SUBPOENA OR THE REGULATORY AUTHORITY OF A STATE OR FEDERAL AGENCY.**

On page 5, in line 5, strike “AND” through “and” in line 6.

On page 5, in line 13, strike “AND” through “ACCESSED”.

On page 5 after line 15, that the Committee adopt a Rule of Construction noting:

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE OR AUTHORIZE AN EMPLOYEE OF A UNIT OF STATE OR LOCAL GOVERNMENT TO INTERFERE WITH A PERSON AUTHORIZED TO SERVE OR EXECUTE A SEARCH WARRANT OR CONDUCT A LEGALLY AUTHORIZED SEARCH AND SEIZURE.

(4) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION “ENFORCING FEDERAL IMMIGRATION LAW” DOES NOT INCLUDE INSPECTION OF I-9 RECORDS OR PROVISION OF INFORMATION REQUIRED BY A FEDERAL AGENCY WHEN A UNIT OF STATE OR LOCAL GOVERNMENT HAS SPONSORED A VISA FOR A STUDENT, EMPLOYEE OR AFFILIATE.”

Thank you for allowing the USM to provide this information regarding Senate Bill 977.

