



House Bill 1222

Public Safety - Immigration Enforcement (Maryland Values Act)

MACo Position: **SUPPORT WITH
AMENDMENTS**

To: Judiciary Committee

Date: February 27, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS HB 1222 WITH AMENDMENTS**. This bill would require local detention centers to hold certain detainees at the request of federal immigration authorities for the purpose of transferring the individual to federal custody. The eligible individual is someone unlawfully present in the country and convicted of a crime of violence.

County governments applaud the General Assembly's willingness to take steps that ensure local communities have the tools they need to protect residents from violent criminals. Creating circumstances that extend that authority, particularly in complicated but qualifying situations, is a welcome adjustment. Having the clear authority outlined in HB 1222 will not only uphold this crucial principle of public safety, but also allow local governments to leverage federal agency resources to support these common values.

This collaboration is a sensible one, however counties request one amendment to require a signed judicial warrant to authorize the extended detention. HB 1222, as written, mandates a local facility to hold the covered individual following a "request," but in the absence of a detainer or a signed judicial warrant. Detaining someone beyond their sentence release date with no legally binding document authorizing the detention is a serious concern and has the potential to expose local governments to increased liability. Existing case law confirms that holding without a warrant even if a signed detainer is available, is not enough to ensure a plaintiff could not bring a constitutional claim for a variety of violations. County governments are regularly forced to comply with comparable standards in the interest of Maryland residents and the federal agencies, when operating in Maryland, should be no exception.

The proposed amendment above is current practice in most situations for local detention centers and protects local governments from liability for a potential violation of an individual's constitutional rights. Accordingly, MACo urges a **FAVORABLE WITH AMENDMENTS** report on **HB 1222**.