

Written Testimony for HB 85_ State and Local Gove

Uploaded by: Trudy Tibbals

Position: FAV

Written Testimony for **HB 85**: State and Local Government - Sanctuary Policies and Enforcement of Federal Immigration Law (Rachel Morin Act) - Please **VOTE YES** on this bill.

Dear Judiciary Committee:

This bill reads "...FOR the purpose of repealing provisions of law prohibiting law enforcement agents from taking certain actions related to an individual's citizenship or immigration status; prohibiting a county or municipality from adopting, enacting, or enforcing a sanctuary policy; requiring a county or municipality to cooperate with federal immigration authorities regarding certain individuals unlawfully present in the United States; providing that a certain county or municipality is ineligible for State funds until the county or municipality comes into compliance with this Act; requiring the Attorney General to enforce this Act in a certain manner; and generally relating to sanctuary policies and the enforcement of federal immigration law.."

This bill needs to be passed immediately. This bill keeps all of us in the state of Maryland safe from illegal immigrant criminals that have come into our country en masse since January 20, 2021. Since that date, millions of drug traffickers, murderers, rapists and human and sex traffickers have entered our country without the review process that had been in effect for decades before that. Our hard-working law enforcement officers are already overworked and underpaid. And their jobs have become light years harder since January 20, 2021.

Our country has seen drug trafficking increase exponentially, as is the same with human and sex trafficking. Too many people are dying of drug overdoses, especially from Fentanyl, at a rate which is so much higher than before January 20, 2021. Too many people are falling victim to human and sex traffickers. Too many people are falling victim to rapists, just like the victim whose name is on this bill, Rachel Morin.

Rachel Morin left home for a run on the popular Ma & Pa Trail in Harford County and didn't return. The 37-year-old Maryland mother of five was reported missing on August 5, 2023, and her body was found the following day off the trail, sending shockwaves through the county. Victor Martinez Hernandez, an **El Salvador native**, was arrested in June after a 10-month nationwide manhunt. He was extradited to Maryland where he was charged with first-degree murder and rape. Law enforcement believed Martinez Hernandez hid in a drainage culvert and attacked Morin while she was walking.

Our streets and even our neighborhoods are not nearly as safe as they used to be, due to the mass illegal immigration from January 20, 2021 - January 20, 2025. We desperately need to make our great country safe again.

Therefore, please **VOTE YES** on this bill.

Thank you.

Respectfully,

Trudy Tibbals

A Very Concerned Mother of 3 and Maryland Resident

Testimony Oppose HB 85 - Transfers to Federal Auth

Uploaded by: Ashley Egan

Position: UNF



Unitarian Universalist Legislative Ministry of Maryland

Testimony OPPOSED to HB 85 - Correctional Services - Transfers to Federal Authorities - Undocumented Immigrants (Protecting Marylanders From Violent Offenders Act of 2025)

To: Delegate Luke Clippinger and Members of the Judiciary Committee
From: Jim Caldiero, Lead Advocate, Immigration,
Unitarian Universalist Legislative Ministry of Maryland
Date: February 19, 2025

Thank you for the opportunity to offer testimony in OPPOSITION to **HB 85-
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 **HB 85**.

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>

Rachel Morin Act - OPD Opp Testimony Final.pdf

Uploaded by: Sean Link

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB85 - Rachel Morin Act: Sanctuary Policies and Enforcement of Federal Immigration

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 17, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on HB85.

This bill forces each county and municipality to choose between its residents and its budget, while hampering them from setting their own priorities and seeking justice. Two aspects raise particular concerns: first, the breadth of what the law targets as a “sanctuary policy,” and second, its chilling effect on cooperation with the legal system.

The definition of “sanctuary policy” under HB85 is vague, overbroad, and troubling – beginning with the definition’s inclusion of “informally adopted” policies and practices “otherwise effectuated,” which could endanger the funds of a county or municipality based on the complaint of a single individual who may allege the existence of a policy that has not even been “informally adopted” but merely “otherwise effectuated.”

Several of the bill’s substantive “sanctuary policy” examples are in direct conflict with core rights and civil liberties. For example, the bill would make it illegal for a jurisdiction to require that federal immigration authorities “obtain a warrant or demonstrate probable cause before complying with detainers to maintain custody of any individual.” This turns on its head the guarantees of the Fourth Amendment, along with related provisions in the Maryland Declaration of Rights. It is foundational that, before a person can be held in jail, law enforcement must seek a warrant or convince a neutral arbiter of probable cause. Instead, HB85 envisions the opposite – a system where the law coerces county officials to erase probable cause and warrant requirements, permitting, and in some cases requiring, local police to jail Maryland residents based on a federal agent’s unsubstantiated allegation

of a civil immigration violation, all free from neutral oversight. Our state laws must center the rights enshrined in our founding documents – not tear them down, as HB85 proposes.

Perhaps most pervasive, HB85 would erase the existing limits on inquiring into any individual's immigration status. HB85 encourages local law enforcement to trample over individuals' Fifth Amendment rights and seek sensitive admissions unrelated to any criminal investigation. This provision threatens to turn every traffic stop into an immigration checkpoint, any trip to the courthouse into a trip into immigration detention, and any call for help into an interrogation. This impacts every person in Maryland – not non-citizens alone. However, the burden to repeatedly prove one's status and justify one's presence in the state will fall hardest on individuals of color, as this shift in policy devolves into an exercise in racial profiling.

Regardless of the intention, blurring the boundaries between federal and local law enforcement will foster an atmosphere of fear and distrust of both systems, and it will fracture the relationship between law enforcement, courts, and the community. Fear and confusion about the risk of detention is already making Marylanders, including those facing only traffic citations, reluctant to appear in court to resolve their cases. A victim of domestic violence should not have to weigh their safety against their apprehension that a request for help may result in their partner's permanent deportation – or their own. If a witness to a crime is too afraid to speak with police, prosecutors, or defense investigators, it will be more difficult for courts to determine the truth. And that same fear reduces the likelihood that non-citizens or citizens living in mixed-status households will feel comfortable participating in probation or proactively seeking treatment services, which improve public health and public safety. The justice system cannot function smoothly if some individuals are too terrified to trust in it. HB85 will not improve public safety – it will threaten it.

Local law enforcement officials are tasked with investigating and enforcing state and local laws, assisting community members, and protecting the public. Adding demands that they investigate and enforce federal immigration violations would overburden them and decrease their effectiveness. The existing law – which this bill would repeal – makes clear that law enforcement agents are able to inquire about any information that is material to a criminal investigation. In the rare situation that immigration status is material to a criminal investigation, existing law raises no impediment to law enforcement doing its job. Instead, existing law allows officials to delve into immigration issues as necessary, without the weight of a mandate burdening their inherently limited time. Further shoehorning federal policy priorities into local policework, as HB85 requires, blurs important

distinctions, exhausts local resources, and erodes trust – ultimately weakening the efficacy of our legal system.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB85.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Sean Link, Assistant Public Defender, sean.link@maryland.gov**

CASA_UNF_HB85.pdf

Uploaded by: Shannon Wilks de Benitez

Position: UNF



CASA Testimony in OPPOSITION of House Bill 85

State and Local Government - Sanctuary Policies and Enforcement of Federal Immigration Law
(Rachel Morin Act)

February 19, 2025

Dear Honorable Chair Clippinger and Members of the Committee,

CASA strongly opposes House Bill 85 - State and Local Government - Sanctuary Policies and Enforcement of Federal Immigration Law (Rachel Morin Act). 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.

With a membership of over 173,000 members, CASA creates change with its power-building model blending human services, community organizing, and advocacy to serve the full spectrum of the needs, dreams, and aspirations of members. For nearly forty years, CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing much-needed services.

First and foremost, our hearts go out to Rachel Morin's family and community. The loss of any life is a tragedy, and moments like these remind us of the preciousness of life and the importance of coming together in grief and solidarity. We are heartbroken anytime a person is taken from their loved ones, and we recognize the need for community support and healing in times of sorrow. Every victim deserves justice, and we stand with those seeking accountability and healing.

In this moment of tragedy, we must also recognize the dangers of sweeping generalizations. Individual actions do not define entire communities. Attempting to use one horrific crime to justify broad, punitive immigration policies is both irresponsible and harmful. These narratives fuel division and hate—distracting from the real issues at play and scapegoating entire groups of people rather than addressing the root causes of crime, such as poverty, lack of education, and insufficient social services.

House Bill 85 seeks to repeal existing legal protections that prevent local law enforcement from engaging in federal immigration enforcement, prohibit sanctuary policies, and mandate local

cooperation with ICE. It also threatens to withhold state funding from counties and municipalities that fail to comply - coercing these local governments into adjusting their legal immigration policies. The bill presents several concerns:

HB85 undermines public safety. Forcing collaboration between local law enforcement and federal immigration authorities erodes trust within immigrant communities. When individuals fear that any interaction with the police may lead to deportation, they are far less likely to report crimes, serve as witnesses, or seek protection from law enforcement. This damages community policing efforts and makes everyone less safe. CASA has long testified before the Judiciary Committee about the deep harm local and state law enforcement partnership with ICE.

HB85 misallocates critical local resources. Immigration enforcement is a federal responsibility. HB 85 would divert local law enforcement resources—already stretched thin—from addressing urgent public safety needs to carrying out federal immigration directives. This shift comes with significant financial costs, as localities would bear the burden of added staffing, training, and detention expenses.

HB85 promotes a dangerous and divisive narrative. This bill is part of a broader effort to stoke fear and demonize immigrant communities. Instead of focusing on the real factors that drive crime, HB 85 uses a single tragedy to push a political agenda that does nothing to make Maryland safer. Policies like this perpetuate cycles of violence by deepening the marginalization of immigrant communities rather than addressing the systemic issues that impact crime rates.

Maryland has a history of promoting policies that have protected immigrant communities, kept families together, and fought to reject xenophobic agendas. HB85 is inconsistent with these values.

CASA respectfully requests an unfavorable report on HB 85.

Testimony HB 85.pdf

Uploaded by: Sharareh Hoidra

Position: UNF



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To: Members of House Judiciary Committee

From: Immigration Law Section Council

Date: February 19, 2025

Subject: **Bill HB85** – State and Local Government – Sanctuary Policies and Enforcement of Federal Immigration Law

Position: **Oppose**

Good Afternoon, Chairman Clippinger, Vice Chair Bartlett and Members of the Judicial Proceedings Committee.

My name is Sheri Hoidra. I am here today on behalf of the Maryland State Bar Association Immigration Law Section, which officially opposes HB 85. Our section is comprised of hundreds of private attorneys, judges and immigration officials who are members of our association.

I am an attorney practicing in the Maryland Bar for more than 12 years. My office is in Baltimore County, Maryland, and I reside in Howard County, Maryland. I practice primarily in immigration law matters. I am the Chair of the Maryland State Bar Association Immigration Law Section. I have presented seminars to attorneys through venues such as the Maryland State Bar Association, the Maryland Association for Justice, and AILA.

I am here today to provide testimony regarding the defects of H.B. 85, which seeks to turn Maryland law enforcement into federal immigration agents in violation of existing state law and at odds with federal law. Our bar section supports ensuring that the

federal government carries out its proper immigration law functions and Maryland carries out its separate law enforcement functions. **The bill does not work with current immigration law and may create unintended violations of state law and the Constitution.**

House Bill 85 is not enforceable due to the impossibility to carry out the bill's requirements under the federal Immigration and Nationality Act. This federal statute is a complex set of laws that governs who can enter and remain in the United States, the decision to detain or release a person without status, and when a non-resident violates immigration law.

HB 85 attempts to punish Maryland counties and municipalities based on a serious misunderstanding of federal immigration law. HB 85 uses defective terminology in proposing a new subtitle of the Local Government Article. Proposed Subsections I-1601 (F)(2) and I-1602 (B) use the terms "unlawfully present" and "lawful presence." The federal immigration statute does not define or use the term "lawful presence," so it is impossible to sanction a state or municipality for granting "lawful presence within state boundaries in violation of federal law." Likewise, the federal statute only uses the term "unlawfully present" for the purposes of a single paragraph at 8 INA 212(a)(9)(B) to describe a condition of inadmissibility that occurs after a person has actually departed the United States and then seeks readmission to the United States. There is no such thing in the federal statute as "unlawful presence" and there is no sanction for a person being "unlawfully present" who is merely in the United States. It is thus impossible to sanction a state or municipality for failing "to cooperate with federal immigration authorities regarding any individual unlawfully present in the United States."

HB 85 further seeks to violate the separation of powers mandated by the U.S. Constitution, which places federal law functions such as immigration within the powers of the federal government and not within the purview of state government. The Tenth Amendment in particular constrains the federal government's ability to require particular actions by state and local jurisdiction in such areas of federal government responsibility. The federal government simply cannot demand that state and local employees participate in carrying out federal immigration functions. There is no sanction in federal law for declining to assist federal immigration enforcement. Maryland's Criminal Procedure Article Section 5-104 makes clear that the state does not carry out such federal functions. HB 85 erroneously seeks to cross the line of separation of powers by requiring state actors to take on such federal responsibilities.

For these reasons, on behalf of the Maryland State Bar Association Immigration Law Section, I ask that the committee issue an unfavorable report on H.B. 85.

END OF TESTIMONY