



Regarding SB 791 – Favorable
Submitted by Birgit Sharp, 2/23/2026

This testimony is being submitted on behalf of CANDLE¹ in strong support of Senate Bill 791. This bill would prohibit local police/correctional facilities from assisting ICE unless required by a valid court order or judicial warrant. The reforms in this proposed legislation would align Maryland's policing practices with constitutional principles and the norms of civilized societies.

Action is needed now because of the inequitable and often abusive treatment of Maryland residents by federal immigration enforcement officials. The Supreme Court has held that the Eighth Amendment's ban on cruel and unusual punishments prohibits not only barbaric punishments, but also punishments that are disproportionate to the offense.² Yet today, some Maryland residents are being punished as criminals, even if they have not been found guilty of a crime or a civil offense.

Recently published data from the Deportation Data Project attest to the magnitude of this problem.³ In the first 10 months of 2025 almost three-quarters of the orders to detain were for people who, at that point, had not been found guilty of anything.

Many of those detained and transferred to ICE custody - including those innocent of any wrongdoing - are being sent to immigration detention centers where the treatment is grossly disproportionate to their alleged crimes. Moreover, it is barbaric. Multiple reports describe extreme overcrowding—for example, 200 people in a room posted for 86, with only two toilets. And this overcrowding forced people to sleep on the ground near the filthy facilities. Lights are kept on 24 hours a day. People sleep on hard concrete floors, in the cold,⁴ without sufficient bedding—and sometimes with no bedding at all.⁵ Other reports describe rat feces in food; insufficient food; days without water; foul water,⁶ and a lack of basic menstrual supplies.⁵ Medical care is often denied. People haven't been able to access their own medications, and serious, even life-threatening conditions are ignored.^{5&6} Across the nation, dozens of people died in ICE custody in 2025.⁷

The aggressive use of federal administrative requests to local correctional facilities to detain individuals and transfer them into ICE custody feeds this misapplication of justice. According to Maryland's Attorney General, acting on those detainers may be unconstitutional and puts state officials at risk of future lawsuits.⁸

Maryland can—and must—refuse to help funnel people into detention conditions like these. This matters: States such as Illinois, New York, and Oregon that restrict assistance to ICE have significantly fewer ICE detentions overall, and particularly fewer jail-based transfers.⁹

It is unthinkable that anyone is ever sent to these detention centers - under any circumstances - much less based solely on suspicion of a civil or criminal offense. Maryland cannot stop the federal government from enforcing immigration laws so brutally. But this bill is a necessary step to ensure that Maryland is not complicit in this deplorable method of detainment which offends basic standards of justice and human decency.

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Far better to light the candle, than to curse the darkness.

1 CANDLE is the Community Action Network for Democracy, Liberties and Equality, based in Anne Arundel and Calvert counties. Our membership is close to 150 people.

2 Legal Information Institute: “Herman SOLEM, Warden, Petitioner v. Jerry Buckley HELM” [Herman SOLEM, Warden, Petitioner v. Jerry Buckley HELM. | Supreme Court | US Law | LII / Legal Information Institute](#)

3 Deportation Data Project (Data extracted by CANDLE)

<https://deportationdata.org/index.html>

4 National Immigration Justice Center: “After the Blitz: What Our Chicago Neighbors are Facing in ICE Detention” <https://immigrantjustice.org/research/after-the-blitz-what-our-chicago-neighbors-are-facing-in-detention/>

5 Human Rights Watch: “You Feel Like Your Life Is Over”

<https://www.hrw.org/report/2025/07/21/you-feel-like-your-life-is-over/abusive-practices-at-three-florida-immigration>

6 Jon Ossoff, US Senator for Georgia: “MEDICAL NEGLECT & DENIAL OF ADEQUATE FOOD OR WATER IN U.S. IMMIGRATION DETENTION” https://iptp-production.s3.amazonaws.com/media/documents/2025.10.24_Senator_Ossoff_Report_-_Medical_Neglect.pdf

7 The Guardian: “2025 was ICE’s deadliest year in two decades. Here are the 32 people who died in custody” <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>

8 Maryland Attorney General: “GUIDANCE MEMORANDUM LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAW: LEGAL GUIDANCE FOR MARYLAND STATE AND LOCAL LAW ENFORCEMENT OFFICIALS” January, 2025 file:///C:/Users/rlsha/Downloads/2025_MD-Law_Enforcement_Guidance_Memorandum.pdf

9 Prison Policy Initiative: “New ICE arrest data show the power of state and local governments to curtail mass deportations”

<https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/>