

SB0791_RichardKaplowitz_FAV

02/25/2026

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MD 21703-7134

TESTIMONY ON SB#0791 - POSITION: FAVORABLE
Correctional Services and Public Safety – Immigration Enforcement – Prohibitions
(Community Trust Act)

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 in support of SB#/0791, **Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**

While Maryland has now ended the 287(g) agreements in Maryland there are still deprivations occurring in local Maryland jurisdictions. Some local police agencies continue cooperation with ICE in which they are holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. PBS News has documented how ICE misconduct is seizing persons without proper judicial authorizations. *Immigration officers claim sweeping power to enter homes without a judge's warrant, memo says*¹

Federal immigration officers are asserting sweeping power to forcibly enter people's homes without a judge's warrant, according to an internal Immigration and Customs Enforcement memo obtained by The Associated Press, marking a sharp reversal of longstanding guidance meant to respect constitutional limits on government searches. The memo authorizes ICE officers to use force to enter a residence based solely on a narrower administrative warrant to arrest someone with a final order of removal, a move that advocates say collides with Fourth Amendment protections and upends years of advice given to immigrant communities.

In Maryland, local law enforcement and jails still notify or hold and transfer individuals to ICE. Shockingly, 23 of 24 Maryland counties informally assist ICE in this way. In 2025, over 4X more Marylanders – most of whom had no criminal convictions -- were transferred to ICE custody through informal local collaboration than through a formal 287(g) program, as documented by FOIA requests by the Deportation Data Project.

The purpose behind this bill is to require judicial warrants before anyone is held for ICE and stop local officers from proactively contacting ICE about people in their custody. The federal government is not prevented from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

¹ <https://www.pbs.org/newshour/nation/immigration-officers-claim-sweeping-power-to-enter-homes-without-a-judges-warrant-memo-says#:~:text=Immigration%20officers%20claim%20sweeping%20power,warrant%2C%20memo%20says%20%7C%20PBS%20News>

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Nationwide, TRAC reports show that **50,259** out of **68,289**—or **73.6%** held in ICE detention have no criminal conviction according to data current as of **February 7, 2026**. Many of those convicted committed only [minor offenses, including traffic violations](#).² Maryland is part of these statistics of who ICE is taking from local jails without them having a criminal conviction.

Under the terms of this bill an employee or agent of a state or local correctional facility may not, during the employee's or agent's duties:

- inquire about or investigate an individual's citizenship, immigration status, or place of birth
- detain or prolong the detention of an individual:
 - for the purpose of investigating the individual's citizenship or immigration status
 - based on the suspicion that the individual has committed a civil immigration violation
 - at the request of federal immigration authorities unless presented with a valid judicial warrant... notify federal immigration authorities that an individual is in custody unless required by a valid court order or judicial warrant
 - transfer an individual to federal immigration authorities unless presented with a valid judicial warrant
 - coerce, intimidate, or threaten an individual based on the actual or perceived citizenship or immigration status of the individual or any other person.

This bill will accomplish its purposes by prohibiting employees and agents of State and local correctional facilities from taking certain actions related to immigration enforcement, subject to certain exceptions; and prohibiting law enforcement agents from taking certain actions related to immigration enforcement, subject to certain exceptions.

Until the current Federal Administration follows both judicial decisions and constitutional protections as well as behaving more morally and ethically Maryland must have these protections in place for its residents.

I respectfully urge this committee to return a favorable report on SB0791.

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<https://tracreports.org/immigration/quickfacts/#:~:text=Immigration%20Detention%20Quick%20Facts,ICE%20detainees%20in%20FY%202026>