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THE SENATE OF MARYLAND
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TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 988 – JUDICIAL FACILITIES – STOPS, DETENTIONS, AND ARRESTS –
LIMITATIONS

The Maryland courthouse upholds a unique constitutional and civic role, acting as a place where the law is interpreted, applied, and where justice is served. The courts offer Marylanders the ability to appear before them to assert rights, comply with legal obligations, and participate in the justice system as victims, witnesses, defendants, jurors, and family members. As such, open access to the courts becomes an essential cornerstone of democracy. When we start disenfranchising individuals in their efforts to seek justice and access equal protection under the law, we are swiftly dismantling this democratic pillar and undermining effective functioning of the justice system. Therefore, it is the irrefutable and urgent responsibility of this body to protect that access to the courthouse.

Across the United States, we are seeing an increase in the use of courthouse appearances as opportunities for civil enforcement actions, creating a chilling effect and widespread fear of utilizing the courthouses for their intended purpose. Maryland is not immune to this trend. As a result, Marylanders, including both citizens and immigrants, have been reported to opt out of filing cases, even those that affect their personal safety, such as protective orders. They also have refused to serve as witnesses and had judgments issued against them because they were afraid to go to court or did not perceive it to be a safe or neutral space. The chilling effect of arrests in or near courthouses in Maryland is real and measurable.

SB988 aims to preserve the ability of Maryland's courts to function safely, fairly, and as intended by ensuring safe and secure courthouse access. This legislation is narrow in its intent and language to ensure that it does not shield criminal conduct, interfere with valid judicial warrants, or regulate federal enforcement policy. Instead, it establishes clear rules governing arrests for certain civil offenses within the physical grounds of judicial

facilities, in order to protect access to justice and the orderly administration of Maryland's courts.

What SB 988 Does

SB 988 establishes statutory protections that prohibit stops, detentions, or arrests for offenses that are subject only to a civil penalty on the grounds of judicial facilities, as defined by the bill language. The bill includes carefully defined exceptions that permit such enforcement actions under specified circumstances, including where prior notice is provided to the presiding judge or a designated court official and where the action does not interfere with court operations or access to the judicial facility. Additionally, the bill does not restrict arrests related to criminal offenses or those carried out pursuant to a valid judicial warrant signed by a judge, therefore only limiting offenses that are subject to a civil penalty. These protections apply only within courthouse property and are designed to ensure that court participants can safely attend proceedings without fear of unrelated civil enforcement actions.

The bill also provides limited enforcement mechanisms that ensure accountability by allowing for a private right of action for violations and authority for the Attorney General to seek injunctive relief. These provisions ensure the statute is meaningful, enforceable, and consistent with existing civil rights frameworks.

Last year, the General Assembly took an important step by passing SB 828 to designate courthouses as sensitive locations. However, data from 2025 show that ICE still conducted 23 arrests in Maryland district and circuit courthouses. These continued enforcement actions demonstrate that additional protections are needed to ensure that individuals can attend court proceedings without fear of civil arrest. SB 988 builds on the progress made last year by more clearly limiting arrests for civil offenses in and around judicial facilities.

Importantly, SB 988 does not prohibit arrests pursuant to judicial warrants, does not restrict criminal enforcement, and does not prevent law enforcement from acting where public safety is at risk. Its scope is narrow and targeted.

Constitutionality and Similar Legislation

Other states such as California, Illinois, and Oregon have already taken similar legislative action to uphold the role of courthouses, passing legislation limiting or banning courthouse arrests without judicial warrants. Notably, in 2020, New York passed the Protect Our Courts Act (POCA), making it unlawful for ICE to make a civil arrest while a person is going to, attending or leaving court unless the officer presents a valid judicial warrant or court order. Maryland's SB 988 reflects the same underlying principle that

access to courts should not be undermined by civil enforcement actions that deter individuals from participating in judicial proceedings.

States have long had constitutional authority to regulate the operation and accessibility of their own courts. Consistent with that authority, SB 988 regulates the conditions under which certain civil enforcement actions may occur within judicial facilities in order to preserve safe and reliable access to the judicial system. Courts have already upheld similar courthouse protection laws against constitutional challenges. On June 12, 2025, the United States federal government filed a lawsuit arguing that POCA violated the US Constitution on the basis of the Supremacy Clause, alleging preemption, unlawful regulation of the federal government, and discrimination against the federal government. In November 2025, a federal court dismissed this lawsuit, finding that states have authority to regulate the operation of their courts and are not required to facilitate federal civil immigration enforcement. The judge held that the law did not prevent federal enforcement but instead regulated activity in state-controlled spaces and processes, and that striking down the statute would effectively allow the federal government to commandeer state resources in violation of the Tenth Amendment.

In fact, SB 988 is more narrowly tailored than New York's Protect Our Courts Act, as it does not prohibit courthouse civil arrests outright but instead establishes limited restrictions and procedural requirements governing when such enforcement actions may occur within judicial facilities.

Protecting Access to Maryland's Courts

SB 988 strengthens due process, protects public safety, and reinforces confidence in Maryland's courts. It establishes clear, enforceable rules that balance enforcement authority with the fundamental need for accessible, functioning judicial institutions. Every person who is required to appear in court should be able to do so without fear that participation itself will expose them to civil arrest. That principle is essential to fairness, constitutional governance, and the rule of law. Therefore, I urge a favorable report from this committee on SB 988. Thank you