

Andy Ellis  
Seeking the Green Party nomination for Governor  
SB0791  
FAV

Through October 2025, ICE arrested more than 3,300 people in Maryland. Only one-third had criminal convictions. Half had no criminal charges at all. Governor Moore signed a ban on 287(g) agreements on February 17. Within 48 hours, Carroll County Sheriff Jim DeWees had drafted a new internal policy to continue cooperating with ICE through informal channels. The 287(g) ban ended formal partnerships. It did not touch the informal cooperation that makes those partnerships unnecessary.

The current system rewards informal cooperation and punishes no one for it. Maryland counties still share daily arrest sheets with ICE, notify agents when people are being released, and hold individuals past their scheduled release for ICE pickup. None of this requires a 287(g) agreement. None of it is prohibited under current law. Sheriffs in Maryland are elected. Cooperating with ICE and defying state policy is often a political signal that costs nothing under current law.

Maryland law already restricts law enforcement from inquiring about immigration status, detaining people for immigration purposes, or transferring individuals to ICE. But the law has two gaps. It does not cover correctional facilities at all. And it has no enforcement mechanism. No mandatory policies, no penalties for violations, no private right of action.

SB0791 closes both gaps. It extends protections to state and local correctional facilities for the first time, prohibiting staff from providing information to federal immigration authorities, allowing ICE access to non-public areas or records, notifying ICE that someone is in custody, or holding anyone past their release date — unless presented with a judicial warrant. It adds a new prohibition for law enforcement: they cannot notify ICE that someone is in custody without a valid court order.

Critically, the bill defines both "judicial warrant" and "court order" to explicitly exclude any document issued by the Department of Homeland Security or the Department of Justice. Every correctional facility and law enforcement agency in the state must adopt a written policy with penalties for employees who violate the law. And individuals whose rights are violated can sue for actual damages, punitive damages, and injunctive relief.

SB0791 does not end federal immigration enforcement. It ensures that when Maryland's police, sheriffs, and correctional staff participate in that enforcement, they do so under judicial oversight — not at the informal request of a federal agency with no accountability to Maryland voters.

I encourage this committee to provide a favorable report on SB0791.