



MSBA Main Office
520 West Fayette Street
Baltimore, MD 21201
410-685-7878 | msba.org

Annapolis Office
200 Duke of Gloucester Street
Annapolis, MD 21401
410-269-6464 | msba.org

To: Senate Judiciary Committee
From: Immigration Law Section Council
Date: February 23, 2026
Subject: SB791 – Community Trust Act
Position: Support

The Immigration Law Section Council of the Maryland State Bar Association supports SB791 – Community Trust Act

This bill prohibits employees and agents of State and local correctional facilities from engaging in certain immigration enforcement, subject to certain exceptions: and prohibiting law enforcement agents from taking certain actions related to immigration enforcement, subject to certain exceptions.

This bill ensures that State and local correction facilities are not forced to engage in activities such as inquiring about a Maryland resident’s immigration status, that they are not trained to do because that would require knowledge and understanding of the laws and procedures under the federal Immigration and Nationality Act.

This bill prevents Maryland residents from being stopped, searched, arrested or detained on suspicion of an immigration violation, which is a civil violation under federal immigration law, which would require law enforcement agents to understand federal immigration law, for which they are not trained, and which state and local law enforcement are not funded to do.

Federal immigration law is among the most complex areas of law, which can be confusing even to judges and experienced attorneys. Asking State and local correctional

facilities and law enforcement to understand and respect the limitations of federal immigration law creates potential liability for such agencies.

This bill prevents Maryland residents from being detained without a judicial warrant, and it prevents warrantless searches and arrests that could raise constitutional concerns.

This bill will make Maryland communities safer for all residents – not just immigrants – by removing the fear that silences too many victims and witnesses of crime. When immigrant survivors of crime know that contacting law enforcement will not trigger an inquiry into their own immigration status or that of their family or household members, they are far more likely to report crimes, cooperate with investigations, and seek the legal protection they need and deserve. This, in turn, makes all of Maryland less safe, as it allows perpetrators of violent crime to continue to act without accountability.

A recent nationwide survey found that over 75% of advocates working with immigrant survivors reported their clients expressed concern about contacting police, and that 50% of those clients ultimately chose not to reach out — not because they did not need help, but because they feared the consequences of asking for it.¹ SB791 directly addresses this dynamic by establishing clear, enforceable boundaries on how law enforcement and correctional personnel interact with federal immigration authorities, giving immigrant community members the confidence that when they call for help, they will be treated as victims and witnesses — not as targets of immigration enforcement. Public safety depends on community trust, and community trust depends on people knowing that their safety, and not their immigration status, is the priority when they reach out to law enforcement.

We also support this bill because the State of Maryland does not have a federal immigration detention facility, as the state has taken a firm stand against immigration detention through the Dignity Not Detention Act in 2021. If a state or local law enforcement agent or agent at a state or local correctional facility were to transfer a Maryland resident on suspicion of an immigration violation, they would be transferred to another State’s jurisdiction. As a result, Maryland law enforcement would be inhibited in carrying out efficiently any applicable criminal process under the laws of Maryland.

In sum, the MSBA supports the Community Trust Act as it disentangles federal, civil immigration law enforcement from state and local criminal law enforcement, which is critical to uphold the integrity of both systems and to keep all Maryland residents safe.

END OF TESTIMONY

¹ Alliance for Immigrant Survivors “Fear and Silence: 2025 Insights from Advocates for Immigrant Survivors (June 18, 2025), available at <https://bit.ly/ais-advocate-survey>