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Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

I am submitting this testimony in support of Senate Bill 245, which would prohibit 287(g) agreements in the State of Maryland.

This legislation is necessary to protect due process, preserve public safety, and prevent local governments from being drawn into federal enforcement practices that have repeatedly produced constitutional violations, legal liability, and widespread community harm without any corresponding public safety benefit.

Frederick County provides one of the clearest examples of why statewide action is required. It has operated under a 287(g) agreement since 2008, making it one of the longest-running programs in the country. Over that time, data shows that 80% of the 2,069 individuals subjected to 287(g) detainers were only charged with misdemeanor offences. Many were transferred to federal custody before their criminal cases were resolved, undermining the presumption of innocence and basic due process protections.

Beyond the courtroom, 287(g) creates pervasive fear in the community. I represent District 2 in Frederick, which includes Frederick's Golden Mile, the county's most diverse and economically productive corridor. Immigrant residents live with the constant belief that any interaction with local law enforcement could result in detention and transfer to immigration authorities. Residents are afraid to report crimes, afraid to serve as witnesses, afraid to call for help. Parents fear sending their children to school. Adults fear going to work. Local businesses suffer when residents are afraid to leave their homes, weakening the economic stability of the entire community.

Claims that 287(g) improves public safety are false. In Frederick County, overall crime declined by only 4 percent in 2024. During the same period, Montgomery County and Prince George's County, neither of which participate in 287(g), experienced larger crime reductions of 7 percent and 6 percent respectively. Jurisdictions without 287(g) are able to achieve equal or better public safety outcomes without the accompanying community harms.

For these reasons, I urge the Committee to issue a favorable report on SB 245.

Sincerely,

César Díaz

Frederick City Council President