

# **Community Trust Act - SB791 Testimony.pdf**

Uploaded by: Alexandra Estes

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Alexandra Estes, and I am a resident of Montgomery County, Maryland. I am writing in support of SB791 – the Community Trust Act.

Every day I am bombarded by stories of the horrible ways ICE is negatively impacting our community and our immigrant neighbors. What is happening here and across the nation goes against everything this country should stand for, and I believe the state of Maryland should be doing all it can to decrease ICE's ability to operate.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

I am volunteering with groups that are working to support immigrant families who have been negatively impacted by ICE. Every day I am hearing about families who can't leave their homes for fear of being abducted, they have to rely on strangers to help them get their kids safely to school. No person should have to live like this, and ICE should not be able to operate above the law.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

The state of Maryland has a moral obligation to end the cooperation between law enforcement and ICE so that all of our residents are treated fairly, have constitutional rights, and feel safe and protected.

For these reasons, I respectfully urge the committee to issue a favorable report on SB791.

Thank you for your time and consideration.

Sincerely,

Alexandra Estes  
15110 Whitetail Way, Darnestown, MD 20878

**SB791 Community Trust Act (SEIU 32BJ).pdf**

Uploaded by: Alexandra Margorin

Position: FAV



**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration  
Enforcement - Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25th, 2026**

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www.seiu32bj.org

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Jaime Contreras, and I am the Southern Regional Director and Executive Vice President of 32BJ SEIU. I am pleased to offer favorable testimony in support of **SB791 – the Community Trust Act**.

32BJ SEIU represents over 185,000 members up and down the East Coast, over 4,000 of whom work here in Maryland. Our members are predominantly immigrants and people of color, and make up the backbone of the property service industry: they are the essential cleaners, security guards, airport workers, and other building service workers who keep our homes, workplaces, schools, and transportation hubs clean and safe. With our dedicated members, we fight to build communities where immigrants can live free of fear and are treated with fundamental dignity and respect.

As federal immigration policy becomes increasingly reckless, Maryland's communities are under attack. Immigration arrests have increased across the country and nearly tripled in Maryland.<sup>1</sup> Our union family is no exception: multiple 32BJ members have been subjected to unjust detention by ICE.

Although President Trump claimed that ICE would be targeting "dangerous criminals,"<sup>1</sup> seventy three percent of those detained since October of last year had no criminal conviction and only five percent had been convicted of a violent crime.<sup>2</sup>

The function of these indiscriminate and often violent detentions is to create fear and undermine the social fabric of our communities. Maryland's law enforcement officers – who are tasked with keeping us safe - should not have any part in this. But under the current system, local jails and police across nearly every county voluntarily hold and transfer individuals to ICE without a judicial warrant – even where individuals have not committed a crime.

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<sup>1</sup> Goldin, Melissa. Trump says he wants to deport 'the worst of the worst.' Government data tells another story." *Associated Press*. July 12, 2025. Available at: <https://apnews.com/article/fact-check-trump-immigration-crime-ice-criminal-dangerous-violent-99557d9d68642004193a9f4b7668162e>

<sup>2</sup> Bier, David. "5% of People Detained By ICE Have Violent Convictions, 73% No Convictions." *CATO Institute*. November 24, 2025. Available at: <https://www.cato.org/blog/5-ice-detainees-have-violent-convictions-73-no-convictions>.



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These practices undermine the presumption of innocence and grow distrust of law enforcement. They deter individuals from reporting crimes and may specifically deter workers from reporting labor violations due to fear of retaliation.

It is essential that a clear law is drawn between the Trump administration's political attacks and the work of local law enforcement agencies. As Governor Moore stated recently: "In Maryland, we defend Constitutional rights and Constitutional policing".

For these reasons, on behalf of 32BJ SEIU, I urge the committee to issue a favorable report on **SB791**.

Sincerely,

Jaime Contreras  
Southern Regional Director and Executive Vice President  
32BJ SEIU

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<sup>i</sup> Kate Amara & Khiree Stewart, *'It scares me': Marylanders protesting as data shows ICE arrests nearly tripled in 2025*, WBAL-TV 11 Baltimore, Jan 12, 2026.  
<https://www.wbaltv.com/article/marylanders-protesting-data-ice-arrests-nearly-tripled-2025/69980610>

**CASA\_FAV\_SB791.pdf**

Uploaded by: Alice Barrett

Position: FAV



**Testimony in SUPPORT of SB791**  
Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
Community Trust Act

Senate Judicial Proceedings Committee

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

**We Are CASA supports Senate Bill 791.** We Are CASA is a national organization building power and improving the quality of life in working-class Black, Latino/a/e, Afro-descendent, Indigenous, and Immigrant communities.

With a membership of over 189,000 members, We Are CASA creates change with its power-building model blending human services, community organizing, and advocacy to serve the full spectrum of the needs, dreams, and aspirations of members. For nearly forty years, We Are CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing vital services to communities across the state and beyond. As Maryland’s largest immigrant community-based organization, we are uniquely positioned to witness the consequences of local cooperation with ICE. We write in strong support of SB0791 and urge the Senate to adopt the basic protections it affords residents.

**A. SB0791 establishes uniform standards for state and local participation in civil immigration enforcement.**

The Community Trust Act establishes uniform rules so that state and local correctional facilities and law enforcement agencies know the limits of when and how they may engage with ICE absent a judicial warrant or legal mandate. While Maryland has taken the commendable step of ending 287(g) agreements in our State, immigrant Marylanders still face the harmful consequences of other forms of local cooperation, which in fact have been an even greater cause of ICE arrests and detention than 287(g) agreements.

In 2025, nearly 29% of the more than 3,300 Maryland residents arrested by ICE were transferred directly from local jails. Critically, 82% of those transfers were not connected to 287(g) agreements. This demonstrates that informal jail-based transfers - not formal agreements - are the primary pathway from Maryland custody into ICE custody.<sup>1</sup>

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<sup>1</sup> Based on ICE data retrieved through FOIA and analyzed by Prison Policy Initiative: “New ICE arrest data show the power of state and local governments to curtail mass deportations.”  
<https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/#:~:text=They%20are%20heavily%20reliant%20on,into%20the%20hands%20of%20ICE.>

Voluntary notifications and transfers, information sharing, handoffs, and extended detentions facilitate ICE's detention of residents without due process. SB0791 creates statewide protections against federal overreach by limiting cooperation unless required by a judicial warrant or a legal mandate, and by preventing unlawful detention of residents who come into contact with State or local agencies.

Additionally, this bill closes a significant loophole in the Dignity Not Detention Act by clarifying that officers may not notify ICE during street-level enforcement. The intent of the legislature at the time of the Act's passage was to prevent local encounters from becoming gateways into civil immigration enforcement. While the law restricted transfers and questioning about immigration status during stops or arrests, it did not explicitly prohibit notification to ICE. Clarifying that limitation is necessary to ensure the statute operates as originally intended.

This bill does not obstruct federal enforcement. It simply ensures Maryland does not use its own resources to carry out federal civil immigration enforcement without constitutional safeguards.

**B. Local cooperation allows ICE to bypass Maryland's legal system and undermine due process.**

Under current informal collaboration practices, individuals may be transferred into ICE custody while criminal charges are still pending, before their cases are adjudicated and guilt is determined. A person presumed innocent under the Constitution can effectively disappear into federal immigration custody before a Maryland court ever resolves their case. This has serious consequences:

- Victims lose an opportunity for justice. They may lose access to restitution or closure if prosecutions are disrupted.
- Families may be permanently separated before a case is resolved - leaving lasting impacts on children and all involved.
- Judicial oversight of police or prosecutorial conduct is eliminated if a person is removed before review.

Immigration detainers are administrative requests, not judicial warrants. Federal courts across the country have held that honoring detainers without judicial authorization may violate the Fourth Amendment. Holding someone beyond their lawful release date based solely on a detainer constitutes a new seizure that requires probable cause and judicial review. By requiring a judicial warrant, SB0791 affirms basic constitutional protections and reduces Maryland's exposure to costly civil liability.

**C. The impact on We Are CASA membership and the immigrant community at large is real and immediate.**

The federal government's aggressive immigration enforcement policies have devastated our immigrant community over the past year. Through our role as a community-based organization

and running Maryland's largest Raid Response Hotline, We Are CASA receives hundreds of reports of residents arrested and detained across Maryland, including with the support of local law enforcement.

We have heard from members who were held beyond their lawful release date based solely on administrative ICE requests that were never reviewed by a judge. Others were transferred into federal custody while criminal charges were still pending, preventing their cases from being resolved in Maryland courts. Some reported being pressured to sign documents they did not understand, without meaningful access to legal counsel or interpretation.

We Are CASA members, and the immigrant community at large has been subjected to serious abuses in the course of mass enforcement operations, including violent arrests, excessive use of force, prolonged shackling, and detention in overcrowded and unsanitary conditions. Individuals have reported denial of necessary medical care, restricted access to communication with family members, and rapid deportation despite pending legal claims or protections. This is the reality waiting for them after

When residents come into contact with State or local law enforcement, the risk of these harms increases if agencies are permitted to freely extend detentions or facilitate transfers to ICE without judicial oversight.

#### **D. Allowing state and local law enforcement to cooperate with ICE undermines public safety.**

Public safety depends on trust between law enforcement and the communities they serve. When immigrants believe that interactions with State and local agencies could result in immigration detention, that trust erodes.

When immigrants know that contact with State or local law enforcement could lead to ICE involvement, they are less likely to report crimes, cooperate with investigations, serve as witnesses, or call 911 in emergencies. Latinos are 44% less likely to contact the police if they are victims of a crime due to fear that officers will question their immigration status or that of loved ones.<sup>2</sup> Crimes go unreported. Victims remain silent. Witnesses disappear. That harms entire communities.

But the chilling effect does not stop at policing. Collaboration with local law enforcement has a ripple effect through all trust in government and government services. For We Are CASA members, this is not theoretical. We see the consequences every day through the direct services we provide to thousands of Marylanders.

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<sup>2</sup> <https://www.americanprogress.org/wp-content/uploads/sites/2/2018/03/287gJurisdictions-report.pdf>

We operate Employment Centers in Silver Spring, Wheaton, Rockville, and Baltimore, where workers seek day labor opportunities and stable employment. We provide vocational training in electrical work, HVAC, building maintenance, and computer skills. We assist small business owners with licensing and compliance. We offer immigration and housing legal consultations, English classes, citizenship and green card renewal assistance, tax preparation including ITIN applications, a health hotline, and support accessing food and health benefits. Across Maryland alone, We Are CASA handles approximately 1,800 cases per month.

Immigrant workers hesitate before applying for licenses or certifications. Parents are afraid to update their address with state agencies. Families question whether filing taxes, applying for health insurance, renewing a green card, or even pursuing citizenship could expose them to immigration enforcement.

When Maryland residents reasonably believe their personal information may be accessed or used to facilitate immigration enforcement, they withdraw. They avoid schools, hospitals, stable employment, banks, courthouses, and government offices. They delay seeking medical care. They decline workforce training opportunities. They forgo legal remedies. They disengage from civic participation.

This chilling effect undermines not only public safety but also public health, workforce development, and equal access to services. It impacts undocumented residents, mixed-status families, and even U.S. citizens who fear their data could be misused. Maryland courts already have the authority to detain individuals who pose a threat to public safety through bail determinations. Judges, not ICE detainers, determine who should be held.

Separating civil immigration enforcement from State and local institutions strengthens community trust. And community trust strengthens public safety.

**E. SB0791 ensures taxpayer dollars and local resources are not wasted on activities that solely support federal immigration enforcement efforts.**

SB0791 ensures Maryland agencies focus their time on enhancing public safety rather than investing resources in immigration enforcement. When staff are engaged in tasks like secretive information sharing, unconstitutionally extending detentions, facilitating transfers to squalid, inhumane detention conditions, or simply investigating immigration status, this means that scarce state resources are diverted to support the already federally funded work of ICE – now the most highly funded law enforcement agency in the country. State and local employees should not be strong-armed into ICE’s mass deportation machine, but instead should be able to focus on the true safety needs of the community they serve.

**F. SB0791 ensures all Marylanders receive basic protections regardless of where they live.**

Several counties across Maryland have already adopted versions of the Community Trust Act to protect their residents. Prince George’s County adopted its Trust Act in 2019.<sup>3</sup> Howard County, Baltimore County, and Montgomery County have all passed similar local laws.<sup>4</sup> Baltimore City is in the process of approving its own Trust Act.<sup>5</sup> Although these local Trust Acts are an important advancement, Marylanders should not be vulnerable to due-process violations or federal overreach depending on where they live. Maryland must be unified in the protections offered to residents.

This is especially important given local law enforcement agencies need clear instructions on what the legislature will not allow them to do. Recent public statements from some sheriffs underscore the need for legislative guidance. After the passage of legislation ending 287(g) agreements, Carroll County Sheriff Jim Dewees stated he would continue working with ICE and would create a policy within his office to do so.<sup>6</sup> Frederick County Sheriff Chuck Jenkins similarly indicated his intention to continue cooperating with ICE to the extent possible.<sup>7</sup>

These statements demonstrate why clear, consistent statutory direction is necessary. SB0791 establishes uniform parameters so that all jurisdictions operate under the same standards and expectations.

**For all of the reasons above, We Are CASA urges a favorable report on SB0791.**

*Contact: Cathryn Jackson, [cjackson@wearecasa.org](mailto:cjackson@wearecasa.org)*

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<sup>3</sup> Prince George’s, MD, CB-62 2019 (2019);

<sup>4</sup> Howard, MD, 17-2026 (2026); Montgomery, MD, 35-25 (2026); Baltimore, MD, 98-25 (2026).

<sup>5</sup> <https://www.cbsnews.com/baltimore/news/baltimore-leaders-introduce-legislation-limit-ices-access/>

<sup>6</sup> <https://foxbaltimore.com/news/local/maryland-sheriffs-vow-fight-bill-banning-287g-agreements-ice>

<sup>7</sup> <https://www.thebanner.com/politics-power/local-government/maryland-sheriff-chuck-jenkins-ice-frederick-county-CFDY4JS33ZEWHINHJCPWRNCGHQ/>

# **Community Trust Act - SB791 Favorable Testimony fr**

Uploaded by: Amy Huberman

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Amy Huberman and I'm a resident of Pikesville, in Baltimore County, Maryland. I'm writing in support of **SB791 – the Community Trust Act**.

As the great-granddaughter of Jews who fled pogroms in Belarus and sought asylum in this country; and as the spouse of an immigrant who fled persecution in Russia, I know on a very personal level how vulnerable our immigrant neighbors can feel as they are trying to find safety and build new lives and new communities.

Right now in Maryland, that safety is threatened every time local jails and law enforcement voluntarily collaborate with ICE by holding people past their release dates and/or notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional and goes against our shared American values of justice and due process for all. In addition, it makes our communities less safe by eroding trust between residents and law enforcement. I've seen neighbors afraid to reach out to law enforcement for help because they fear that they will be turned over to ICE.

**SB791** would honor individuals' constitutional rights by requiring a judicial warrant before anyone is held on behalf of ICE. It would also stop local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. This would increase trust in local law enforcement, making our communities safer for everyone.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791/HB1575**.

Thank you for your time and consideration.

Sincerely,

Amy Huberman, MD  
202 Oak Ave.  
Pikesville, MD 21208  
443-761-4265

**Bill\_SB0791\_Andrew Miller - FAV.pdf**

Uploaded by: Andrew Miller

Position: FAV

Date of Hearing: Thursday 2/25/26

Name: Andrew J. Miller

Address: Baltimore, MD 21209

**TESTIMONY ON SB0791 - 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:** Andrew J. Miller

My name is Andrew Miller. I am a resident of District 11B. I am submitting this testimony in support of SB0791, Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act).

I am a Past President of Chizuk Amuno Congregation, a large Conservative synagogue in Pikesville, and I am also Chair of the Synagogue Social Justice Roundtable which includes representatives from 12 partner communities and organizations in Baltimore County, Baltimore City and Howard County.

Our sacred texts command us to love the stranger, as we ourselves were once strangers in the land of Egypt, and many of our families came to the United States to escape persecution. For me and for many in my community, protection of immigrants is therefore a sacred obligation. For the last several years our congregation and others have worked in support of Afghan refugee families fleeing the Taliban by providing direct support with the help of refugee relief organizations that worked in collaboration with the federal government until those collaborations were terminated in 2025.

Many of us have also worked over the last 9 years, together with immigrant support organizations, to protect the rights of others who arrived in our country to take refuge from oppressive conditions elsewhere in the world. Immigrants are important contributors to our economy and to our communities here in Maryland, where they make up 17% of the population and contribute to the economy, pay taxes, and create businesses that provide employment opportunities. According to a 2024 report by the Maryland Comptroller's Office, "Immigrants have long bolstered Maryland's population, and they are essential for a thriving economy and economic growth." All of us who are not Native Americans are immigrants or the descendants of immigrants, many of whom came here to escape persecution and all of whom came to seek a better life.

It has become clear in the last two months that our federal immigration enforcement agencies are not focusing their efforts primarily on capturing people who have committed serious crime. These agencies are now operating almost entirely outside the framework of federal law and the Constitution, and the practices of these agencies facilitate intimidation, detention and

deportation of people they wish to target, whether they are asylum seekers, green-card holders, or undocumented individuals who have lived here for decades and who have contributed to society and the economy and have no criminal record.

Here in Baltimore County, as in Howard County, Prince Georges County, Montgomery County, and hopefully soon in other jurisdictions including Baltimore City, local government has stepped up with our legislators voting to pass bills that limit or curtail voluntary collaboration with agencies that are carrying out what should be civil enforcement using paramilitary tactics. Now we are fighting attempts to build a network of massive detention centers in private warehouses across the country, including here in Maryland. These are used to incarcerate both individuals and families, including young children, often under appalling and inhumane conditions without adequate access to medical care, food, water, legal counsel, education and mental health services. People have died in these facilities with little or no accountability by the federal authorities overseeing their detention. It is not only our immigrant neighbors who are at risk; it is the very concept that all of us are protected by the Constitution and the Bill of Rights.

The Community Trust Act before this committee is very similar in its language and its goals to those that have been passed by local government in the jurisdictions listed above. I probably spent 60 hours or more mobilizing people and lobbying council members on behalf of the bill Baltimore County Trust Act because I believe it is so important to the well-being of our community. What is true at the local level is even more true at the state level.

**Therefore I respectfully ask this committee to return a favorable report on SB0791.**

**SB\_791\_Ellis\_Fav.pdf**

Uploaded by: Andy Ellis

Position: FAV

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.

**SB0791\_FAV\_AnnaLevy\_02252026.pdf**

Uploaded by: Anna Levy

Position: FAV

February 25, 2026

Anna T. Levy  
Rockville, MD 20852

**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:** Anna T. Levy

**My name is Anna T. Levy. I am a resident of District 16. I am submitting this testimony in support of SB#0791, Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act).**

I am proud to be a lifelong resident of Maryland and celebrate the diversity of cultures that make our community and state a wonderful place to live. My Jewish values and traditions include respect for every human being and support and caring for all members of our community. My grandparents came to the United States from Eastern Europe, fleeing oppression and poverty. As do the immigrants today, they wanted to raise my parents in a place of safety and opportunity. I believe that it is immoral to tear apart families and to generate fear amongst those who live, work, and visit in our communities.

Each one of us, no matter where we were born or our immigration status, are accorded the rights and protections of the US Constitution. Many of those being held in local jails have not been convicted of any crimes; innocent people should not be transferred to ICE. The Community Trust Act is a critical next step after the ban on 287(g) agreements in Maryland. Holding individuals beyond their scheduled release date is unconstitutional. The Act will ensure that a correctional facility must have a judicial warrant to hold a person in order to transfer them to ICE.

SB0791 will put into law the protections that we should all expect; to live and raise our children in safety and without fear. Each of us should be able to report crimes without the threat of deportation, protecting all of our community. Importantly, SB0791 will prevent our local law enforcement officers from spending their time facilitating immigration arrests by doing the work of ICE agents instead of the work for which they are hired. The legislation does not prevent the Federal government from enforcing immigration laws or hide any information from ICE.

**I respectfully urge this committee to return a favorable report on SB#0791.**

**Comm. Trust Act-ARubin\_SB791\_FAV.pdf**

Uploaded by: ANNA RUBIN

Position: FAV

ARubin\_SB791\_FAV

Testimony on Senate Bill 791 – Favorable  
Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
(Community Trust Act)  
Judicial Proceedings Committee  
February 25, 2026

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Judiciary Proceedings Committee,

My name is Anna Rubin and I live in Columbia, Maryland. I am a composer, an activist in both Jewish and civic organizations. I am chair of the Social Justice Committee at Columbia Jewish Congregation. I am writing in support of SB791 – the Community Trust Act.

My Jewish faith informs my values. Caring for the stranger is emphasized throughout the Hebrew Bible. “Do not do unto others as you would not have them do to you,” is a Talmudic dicta. I care about my immigrant neighbors and community and ICE is terrorizing our county. I want Maryland to stand as an example of resistance and moral values to the rest of the country.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. For these reasons, I respectfully urge the committee to issue a favorable report on SB791.

Thank you for your time and consideration.

Sincerely,

Dr. Anna Rubin

6268 Cobbler Ct.

Columbia, MD 21045



# **Community.Trust.Act.Written Testimony for State Se**

Uploaded by: Anne Lafferty

Position: FAV

**Testimony on Senate Bill – Favorable**  
**SB791**  
**Correctional Services and Public Safety - Immigration Enforcement - Prohibitions**  
**(Community Trust Act)**  
**Judicial Proceedings Committee**  
**February 23, 2026**

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

My name is Anne Lafferty, and I am a resident of Silver Spring in Montgomery County, MD. I am writing in support of SB791, Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act).

My understanding is that many local jails in Maryland inform ICE when they have an undocumented immigrant in their custody, even when, as is typically the case, the detainee in question has no criminal convictions and may never be convicted of anything. In other cases, any convictions are for non-violent, low-level crimes.

Moreover, a primary tool that ICE uses to ensure that detainees will continue to be detained in our local jails beyond what otherwise be their release date is immigration detainers, which not only have no legal force, but, based on case law and the opinion of the Attorney General, are, in fact illegal and may thus eventually lead to lawsuits.

While I have no objections to immigrants who have been convicted of serious crimes being deported, I think that Maryland ought not to squander state and local resources, to say nothing of community good will, on keeping ICE apprised of the immigration status of people who have been convicted of nothing or of only low-level offenses. We also ought not to waste those resources on detaining people beyond the time that it is legally permissible to detain them.

ICE officers have repeatedly treated people badly, even when in full public view, and its detention facilities are not known for their ability to meet basic standards of care. Please vote for SB791 and protect state residents from detention by ICE.

Thank you for your time and consideration.

Sincerely,

Anne Lafferty

**SB791\_ArielleJuberg\_FAV.pdf**

Uploaded by: Arielle Juberg

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with CASA. I am a resident of District 8. **I am testifying in support of SB791, the Community Trust Act.**



**Showing Up for Racial Justice**

Twenty-three of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

When local law enforcement collaborates with ICE, people's trust in these systems degrades. Law enforcement may not be contacted for human trafficking because of well-founded fear that *any* contact with local officials will funnel to the inexplicably cruel deportation machine. State funds meant to reduce trafficking and improve standards of living will be wasted if people are afraid to come into contact with state agents. I don't want to live in a state (or a country) where portions of our population are sheltering themselves against any state contact.

What SB791 accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,  
Arielle Juberg  
3411 Upton Road  
Baltimore, MD 21234  
Showing Up for Racial Justice Baltimore

# **Candle Testimony SB791 Community Trust Act.pdf**

Uploaded by: Birgit Sharp

Position: FAV



Regarding SB 791 – Favorable  
Submitted by Birgit Sharp, 2/23/2026

This testimony is being submitted on behalf of CANDLE<sup>1</sup> in strong support of Senate Bill 791. This bill would prohibit local police/correctional facilities from assisting ICE unless required by a valid court order or judicial warrant. The reforms in this proposed legislation would align Maryland's policing practices with constitutional principles and the norms of civilized societies.

Action is needed now because of the inequitable and often abusive treatment of Maryland residents by federal immigration enforcement officials. The Supreme Court has held that the Eighth Amendment's ban on cruel and unusual punishments prohibits not only barbaric punishments, but also punishments that are disproportionate to the offense.<sup>2</sup> Yet today, some Maryland residents are being punished as criminals, even if they have not been found guilty of a crime or a civil offense.

Recently published data from the Deportation Data Project attest to the magnitude of this problem.<sup>3</sup> In the first 10 months of 2025 almost three-quarters of the orders to detain were for people who, at that point, had not been found guilty of anything.

Many of those detained and transferred to ICE custody - including those innocent of any wrongdoing - are being sent to immigration detention centers where the treatment is grossly disproportionate to their alleged crimes. Moreover, it is barbaric. Multiple reports describe extreme overcrowding—for example, 200 people in a room posted for 86, with only two toilets. And this overcrowding forced people to sleep on the ground near the filthy facilities. Lights are kept on 24 hours a day. People sleep on hard concrete floors, in the cold,<sup>4</sup> without sufficient bedding—and sometimes with no bedding at all.<sup>5</sup> Other reports describe rat feces in food; insufficient food; days without water; foul water,<sup>6</sup> and a lack of basic menstrual supplies.<sup>5</sup> Medical care is often denied. People haven't been able to access their own medications, and serious, even life-threatening conditions are ignored.<sup>5&6</sup> Across the nation, dozens of people died in ICE custody in 2025.<sup>7</sup>

The aggressive use of federal administrative requests to local correctional facilities to detain individuals and transfer them into ICE custody feeds this misapplication of justice. According to Maryland's Attorney General, acting on those detainers may be unconstitutional and puts state officials at risk of future lawsuits.<sup>8</sup>

Maryland can—and must—refuse to help funnel people into detention conditions like these. This matters: States such as Illinois, New York, and Oregon that restrict assistance to ICE have significantly fewer ICE detentions overall, and particularly fewer jail-based transfers.<sup>9</sup>

It is unthinkable that anyone is ever sent to these detention centers - under any circumstances - much less based solely on suspicion of a civil or criminal offense. Maryland cannot stop the federal government from enforcing immigration laws so brutally. But this bill is a necessary step to ensure that Maryland is not complicit in this deplorable method of detainment which offends basic standards of justice and human decency.

[candle.shines25@gmail.com](mailto:candle.shines25@gmail.com)

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*Far better to light the candle, than to curse the darkness.*

1 CANDLE is the Community Action Network for Democracy, Liberties and Equality, based in Anne Arundel and Calvert counties. Our membership is close to 150 people.

2 Legal Information Institute: “Herman SOLEM, Warden, Petitioner v. Jerry Buckley HELM” [Herman SOLEM, Warden, Petitioner v. Jerry Buckley HELM. | Supreme Court | US Law | LII / Legal Information Institute](#)

3 Deportation Data Project (Data extracted by CANDLE)

<https://deportationdata.org/index.html>

4 National Immigration Justice Center: “After the Blitz: What Our Chicago Neighbors are Facing in ICE Detention” <https://immigrantjustice.org/research/after-the-blitz-what-our-chicago-neighbors-are-facing-in-detention/>

5 Human Rights Watch: “You Feel Like Your Life Is Over”

<https://www.hrw.org/report/2025/07/21/you-feel-like-your-life-is-over/abusive-practices-at-three-florida-immigration>

6 Jon Ossoff, US Senator for Georgia: “MEDICAL NEGLECT & DENIAL OF ADEQUATE FOOD OR WATER IN U.S. IMMIGRATION DETENTION” [https://iptp-production.s3.amazonaws.com/media/documents/2025.10.24\\_Senator\\_Ossoff\\_Report\\_-\\_Medical\\_Neglect.pdf](https://iptp-production.s3.amazonaws.com/media/documents/2025.10.24_Senator_Ossoff_Report_-_Medical_Neglect.pdf)

7 The Guardian: “2025 was ICE’s deadliest year in two decades. Here are the 32 people who died in custody” <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>

8 Maryland Attorney General: “GUIDANCE MEMORANDUM LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAW: LEGAL GUIDANCE FOR MARYLAND STATE AND LOCAL LAW ENFORCEMENT OFFICIALS” January, 2025 [file:///C:/Users/rlsha/Downloads/2025\\_MD-Law\\_Enforcement\\_Guidance\\_Memorandum.pdf](file:///C:/Users/rlsha/Downloads/2025_MD-Law_Enforcement_Guidance_Memorandum.pdf)

9 Prison Policy Initiative: “New ICE arrest data show the power of state and local governments to curtail mass deportations”

<https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/>

# **Senate Bill 791 Correctional Services and Public S**

Uploaded by: Carlos Orbe, Jr.

Position: FAV

February 23, 2026

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
Miller Senate Office Building  
2 East  
11 Bladen Street  
Annapolis, Maryland 21401

The Honorable Brian J. Feldman  
Vice Chair, Senate Judicial Proceedings Committee  
Miller Senate Office Building  
2 East  
11 Bladen Street  
Annapolis, Maryland 21401

Re: Support for Senate Bill 791 Correctional Services and Public Safety Immigration  
Enforcement Prohibitions Community Trust Act

Dear Chair Smith,

Maryland Latinos Unidos respectfully supports Senate Bill 791, the Community Trust Act. This bill would set clear boundaries that keep Maryland correctional systems and public safety functions focused on state and local responsibilities rather than immigration enforcement, with specific prohibitions that reduce the risk of unlawful detention, family separation, and fear driven disengagement from essential public systems.

For Latino Marylanders, the stakes are immediate. Maryland's Latino community is a significant and growing share of the state's residents, and many families include immigrants and mixed status households who are uniquely vulnerable to the ripple effects of immigration enforcement entanglement. When people fear that contact with government systems will expose them or a loved one to immigration consequences, they avoid reporting harm, avoid seeking services, and withdraw from institutions that are supposed to keep them safe.

Research has consistently found that aggressive immigration enforcement and perceived collaboration between local systems and immigration enforcement can reduce crime reporting and cooperation with investigations in immigrant communities. That fear does not make communities safer. It creates openings for exploitation, wage theft, domestic violence, and other harms to persist unchecked because people are afraid that seeking help will put their family at risk.

Senate Bill 791 advances public safety and due process by establishing bright lines. It supports a system where correctional and public safety personnel can do their jobs without being pressured into federal immigration functions that undermine community trust. In practice, these boundaries help ensure that victims and witnesses can come forward, that families can access courts and

services, and that local agencies can focus on crime prevention and public safety outcomes rather than immigration status.

#### Implications for Maryland Latinos Unidos and the communities we serve

This bill expands freedom and opportunity by reducing the constant fear that ordinary life contact with public systems can trigger immigration consequences. That freedom translates into measurable community stability: more reporting of crimes, more willingness to cooperate with legal processes, and greater access to services that prevent harm before it escalates.

Maryland Latinos Unidos can support implementation by partnering with legal services and community based organizations to educate families about their rights and the limits of local involvement in immigration enforcement. We can also work with state and local partners to develop language accessible materials so that Spanish speaking residents understand what the bill changes and how to seek help safely.

For these reasons, Maryland Latinos Unidos respectfully urges a favorable report on Senate Bill 791.

Sincerely,

Carlos Orbe, Jr.  
Communications and Public Affairs Specialist  
Maryland Latinos Unidos  
corbejr@mdlatinosunidos.org

**CarolStern\_SB791\_FAV.pdf**

Uploaded by: CAROL STERN

Position: FAV

February 23, 2026

Carol Stern  
4550 North Park Avenue Apt. T106  
Chevy Chase, MD 20815

**Testimony in Support of SB 791- Favorable  
Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
(Community Trust Act)**

**TO:** Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee  
**FROM:** Carol Stern

**I am testifying in favor of SB791 as a resident of Montgomery County’s District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.**

My sacred text and tradition teach us to welcome the stranger, for we were strangers in the land of Egypt. Leviticus 19:34 explicitly instructs us to treat immigrants in our land the same as native citizens. Rabbi Mordecai Kaplan wrote “ teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult.” When we are working to reform our immigration justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

Passing the Community Trust Act is crucial for public safety and for building community trust. SB 791 will go along way to help protect our local immigrant community by ending local voluntary cooperation with ICE, restricting ICE from arresting anyone without a proper judicial warrant, outlawing discrimination based on immigration status, stopping the use of any state or local resources to voluntarily assist ICE in separating immigrant families, and stopping the unnecessary collection of immigration status. We must have a state where our immigrant residents can feel safe enough to send their children to school, shop at the grocery store and go to work.

All Marylanders, regardless of immigration status, are entitled to equal protection under the law and deserve to be treated with human dignity. In the face of unprecedented attacks, our immigrant communities in Maryland along with CASA and other non-profits are doing everything they can to protect families and to advocate for their communities. Maryland has the power to stop enabling Trump’s ICE agents and be a firewall against authoritarianism. This moment calls for action on the part of the State Legislature. To preserve public safety and public trust for all Marylanders, please pass SB791.

**I respectfully urge a favorable report for SB791.**

# **Testimony SB0791 - Favorable - Judicial Proceeding**

Uploaded by: Carolyn Matthews

Position: FAV

# Testimony on Senate Bill – Favorable SB0791

Judicial Proceedings hearing 2/25/26

Dear members of the Judicial Proceedings Committee,

My name is Carolyn Matthews, and I am a resident of Anne Arundel County, Maryland. I am writing in support of **SB0791 Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

This is yet another bill before the committee and the legislature this year that is necessary only because we have to limit the damage done to our communities by the federal government in its overzealous and overreaching immigration actions. While I long for the day when it is no longer incumbent upon Maryland's governance to spend its limited days of session on such matters, I am proud to live in a state that strives to protect all of its residents.

I strongly support SB0791, especially in light of the response from some local law enforcement and government officials when the 287(g) ban was signed. It is important to shut down back door means of allowing local entities to continue to do the work of federal agencies beyond what is actually appropriate. Making explicit mention of needing a judicial warrant only to comply with federal directives is important. Spelling out in detail that inquiring about or acting upon a person's immigration status is not part of local corrections or law enforcement duties is important. Prohibiting employees from allowing anyone to access non-public spaces and records is important. Again, it is frustrating that such things must be stated with such specificity, but this bill does an admirable job of closing loopholes.

I respectfully urge the committee to issue a **favorable report** on SB0791.

Thank you for your time and consideration.



**SB0791 Favorable Catherine Bergmann.pdf**

Uploaded by: Catherine Bergmann

Position: FAV

February 25, 2026

Catherine Bergmann, PhD, MPH  
Riverdale Park, MD 20737

**TESTIMONY ON SB0791 - 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:** Catherine Bergmann

**My name is Catherine Bergmann. I am a resident of District 22. I am submitting this testimony in support of SB0791, Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act.)**

My support for immigrant rights is due in part to being the daughter of immigrants who fled Nazi Germany. My Jewish parents grew up under the Nazi government and experienced dangerous antisemitism daily. As Jews, they were removed from public schools, could only see Jewish medical providers, and their places of worship were attacked. Unlike my parents, many of my relatives did not escape; they were taken from their homes and deported to concentration camps in other countries where they were tortured and murdered.

My parents taught me that Nazi atrocities happened because ordinary Germans, along with the rest of the world, allowed them to happen. It is necessary to speak up and fight against authoritarian power. I also learned that Nazi persecutions started with immigrants.

I see parallels between our current federal government and the fascist Germany in which my parents grew up. I have spent my life wondering if it could happen here. I believe it is happening right now to the immigrants in our communities. Immigrants, regardless of documentation, have been brutalized and detained without warrants or probable cause. We cannot allow this to happen in Maryland.

The Community Trust Act would prevent local jails (80% of whose inmates have not been convicted) from becoming a pipeline to ICE. It would stop local law enforcement from facilitating ICE arrests. I would prefer my local police to be fighting crime, not helping ICE.

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

# **Testimony on Senate Bill 791 Community Trust.pdf**

Uploaded by: Catherine Morrison

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
(Community Trust Act)  
Judicial Proceedings Committee  
February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Cathy Morrison, and I am a resident of Marriottsville, Maryland. I am writing in **support of SB791**– the Community Trust Act.

Due process is a fundamental right guaranteed by the U.S. Constitution. It protects people against arbitrary government decisions and ensures fairness in legal matters. Both citizens and non-citizens in the U.S. have the right to due process - a chance to defend their rights and to have a fair hearing. I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

I recently attended a seminar which discussed human rights. We were warned to be careful before we called the local police if we saw what appeared to be a violation of due process because we couldn't be sure we "can trust" local police. How have we come to this?

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

Cathy Morrison

**SB791\_CindyBrach\_FAV.pdf**

Uploaded by: Cecile Brach

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Cindy Brach and I live in District 20. I am writing in support of **SB791 – the Community Trust Act**.

I want to start by thanking you for passing SB245, which prohibits 287g agreements in Maryland. That was an important first step in protecting Maryland's diverse residents, whom I'm proud to call my neighbors. However, it is not enough to prevent formal agreements between Maryland localities and ICE. We must also stop the informal cooperation with ICE.

**SB791 is an easy bill to support because it is merely asking local law enforcement agencies to obey the law.** Currently local jails and law enforcement across Maryland are holding people past their release dates and notifying ICE about individuals in custody. This is unconstitutional! Unless these agencies have a judicial warrant that authorizes them to hold individuals who should otherwise be released, they are breaking the law by detaining them.

In addition, SB791 provides benefits similar to those gained by SB245– it saves taxpayer's money and it prevents erosion of public trust in law enforcement. Cooperation with ICE redirects money that should go towards law enforcement to an unlawful activity – illegally detaining people. SB791 prevents this misuse of taxpayer funds. We also know that when local law enforcement agencies cooperate with ICE, it impedes the effectiveness of law enforcement efforts. People become afraid to report crimes or come forward as witnesses or with leads. SB791 would lessen those fears.

SB791 simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. Please, think of the Maryland children who don't want to go to school because they are afraid their parents won't be home when they return. Let them know that you stand for the rule of law and that no one will be detained without a judicial warrant. If you supported SB245, the next logical step is to support SB791.

For these reasons, I urge the committee to issue a **favorable report on SB791**. Thank you for your consideration.

Sincerely,

Cindy Brach

# **SB0791 – Public Safety – Immigration Enforcement A**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY

### SB0791 – Public Safety – Immigration Enforcement Agreements – Prohibition

**Bill Sponsor:** Senator Lam

**Committee:** Senate Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, CoChair

**Position:** FAVORABLE

I am submitting this testimony in support of **SB0791** on behalf of the Maryland Legislative Coalition. We are an association of unpaid citizen advocates—individuals and grassroots groups in every district across the state—representing and supporting more than 30,000 Marylanders.

SB0791 ensures that our state and local police officers are not used as federal immigration agents. Maryland taxpayers fund local law enforcement to address community safety, respond to emergencies, and investigate crimes. Diverting their time and resources to federal civil immigration enforcement weakens their ability to meet those responsibilities. Being undocumented is a civil offense, not a criminal one, and prioritizing civil violations inevitably shifts attention away from serious crimes that truly threaten community safety.

The bill also protects local jurisdictions from costly lawsuits. Across the country, Black and brown residents—including U.S. citizens—have been questioned or detained based on assumptions about immigration status or place of birth. When this happens, local governments face significant legal exposure. SB0791 helps prevent these harms by clarifying the critical difference between an ICE detainer, which is only a request, and a judicial warrant, which is legally required before transferring someone to federal custody. Turning someone over to ICE without a judicial warrant is unlawful and places local jurisdictions at risk—even when the individual is undocumented—because they still have due process rights.

We have empathy for the many undocumented residents who are long-term community members who pay taxes, check in regularly with federal agencies, and are in the years-long process of obtaining legal status. They should not be targeted or

harassed. In contrast, SB0791 does not prevent police from identifying individuals who are on federal criminal watch lists. That information is already available through standard database checks when an officer runs a driver's license.

SB0791 strengthens public safety by ensuring that police focus on criminal activity, not civil immigration matters, and by requiring ICE to obtain judicial warrants when appropriate—something judges are available to issue at any time. This protects both residents and local governments while maintaining lawful cooperation where it is actually necessary.

For these reasons, we respectfully urge a **FAVORABLE** report on SB0791.

# **SB791 - Community Trust Act CLB.pdf**

Uploaded by: Christina Nemphos

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. I am a resident of District 40 and live in the Medfield neighborhood of Baltimore. **I am testifying in support of SB791, the Community Trust Act.**



**Showing Up for Racial Justice**

Like the bill prohibiting formal 287(g) agreements, passage of this act is urgently needed as the federal government threatens to ramp up ICE activity in Baltimore and across the state. We must act now in order to protect Marylanders from the inhumanity and lawlessness of the Trump administration.

Maryland urgently needs this bill to pass because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. **In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.**

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents, thereby working to restore community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,  
Christina L. Bell  
1301 W. 42nd St, Baltimore, Md 21211  
Showing Up for Racial Justice Baltimore

# **Testimony SB 791 Favorable.pdf**

Uploaded by: Christina Yuan

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Christina M. Yuan, and I am a resident of Prince George's County, Maryland. I am writing in support of **HB791 – the Community Trust Act**.

As a Prince George' County resident, I have been very disturbed by the behavior of ICE in Hyattsville and Laurel over the past year. Mr. Abrego Garcia, a Hyattsville resident, who mistakenly detained by ICE about a year ago, has been treated abominably by the federal government, which is still trying to "punish" him for their egregious mistakes. In the summer, while trying to detain someone at a busy intersection, an ICE officer pointed a gun at cars that were simply navigating the intersection, and then dropped it in the street, and had to scramble for it. ICE has demonstrated repeatedly that they are incompetent, malign, and uninterested in Constitutional rights and the rule of law. I support HB1575 because local jails and law enforcement across Maryland are still voluntarily collaborating with ICE despite their behavior. Some municipalities are holding people past their release dates and notifying ICE about individuals in custody, without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. It also prevents the inevitable mistakes and injustices that occur when immigration detention and enforcement is being carried out by officers that have quotas to meet, and don't care whether the detentions and deportations are just or Constitutional.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791/HB1575**.

Thank you for your time and consideration.

Sincerely,

**Christina M. Yuan, Laurel, MD**

**LWVMD\_SB0791\_02.25.2026\_ Testimony in Support of C**

Uploaded by: Cynthia Boddie-Willis

Position: FAV



## TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

### SB 0791 – CORRECTIONAL SERVICES AND PUBLIC SAFETY – IMMIGRATION ENFORCEMENT – PROHIBITIONS (COMMUNITY TRUST ACT)

**POSITION: Support**

**BY: Linda Kohn, President**

**DATE: February 25, 2026**

The League of Women Voters supports the [10th Amendment to the US Constitution](#) which affirms that states have primary policing powers within their borders. [Case law](#), moreover, asserts that the federal government cannot compel states to enforce immigration law as it is the responsibility of the federal rather than the state government to exact compliance with these laws. Maryland, therefore, has the right to specify which, if any, actions law enforcement agencies and their employees throughout the state may or may not take related to immigration enforcement. The League also supports the [4th Amendment to the US Constitution](#), which not only affords protection against searches and seizures for all persons on US soil unless authorized by a judicial warrant based on probable cause but also serves as [a guard against disclosure of personal information such as immigration status](#).

**SB 0791** states that, with limited exceptions, employees and agents of state or local correctional facilities in Maryland in the course of their duties may neither inquire about or investigate an individual's citizenship, immigration status, or place of birth nor provide information to federal immigration authorities that is not publicly accessible. The bill further stipulates that in the course of their duties without valid judicial authorization employees and agents of state or local correctional facilities in Maryland may not detain or prolong the detention of an individual at the request of federal immigration authorities, notify federal immigration authorities that an individual is in custody or transfer an individual to federal immigration authorities.

Because these provisions align with positions held by the League of Women Voters, **the League of Women Voters of Maryland**, representing nearly 2,000 citizens throughout Maryland in its own right, **strongly urges you to issue a favorable report.**

**Test SB 791:HB 1575 Comm Trust Act.pdf**

Uploaded by: Cynthia Sokolow

Position: FAV

**Testimony on Senate Bill 791 - Favorable**

**SB 791 - Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

I, Cynthia Sokolow of Howard County, MD, **support SB 791 - the Community Trust Act.**

Marylanders are concerned about our immigrant neighbors who are fearful of being detained. While we cannot prohibit ICE from enforcing current immigration laws, we can prevent Maryland law enforcement from cooperating with ICE. SB 791 clarifies that local and state correctional facilities' agents may not collaborate with ICE without a judicial warrant.

We learn daily from news sources that immigrant families are afraid of leaving their homes. Parents keep their children from attending classes. Compassionate neighbors volunteer to grocery shop for them or escort kids to school bus stops.

All communities in Maryland must feel that local law enforcement will keep them safe. I suspect police officers did not sign up to collaborate with ICE to terrorize our residents. Some counties don't have the financial resources to add ICE cooperation. State and local police need to priorities fighting crime, not innocent neighbors.

Both my mother and mother-in-law were cared for by immigrants. As a retired Howard County school professional, I know a large percentage of students come from other countries. I've heard from DACA adults, who came to Maryland as toddlers, talk of their scientific research at Hopkins.

Our taxes pay for state and local police to protect all of us in Maryland, not join a modern day "gestapo" to intimidate.

I urge you to vote **in favor of SB 791.**

Thank you for your attention and consideration,

Sincerely,

Cynthia Sokolow, 21042

**SB791-FAV-DAG.pdf**

Uploaded by: Daniel Golombek

Position: FAV

**TESTIMONY FOR SB0791**  
**Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Position: FAVORABLE**

This bill ensures that state and local police officers are not used as federal immigration agents. State and local law enforcement are funded by Maryland taxpayers, and diverting their time and resources to federal civil immigration enforcement weakens their ability to focus on local public safety needs.

The bill also clarifies the critical difference between an ICE detainer and a judicial warrant. Transferring someone to ICE without a judicial warrant is unlawful. .

Undocumented residents are often long-term community members who pay taxes, check in regularly with federal agencies, and are in the years-long process of obtaining legal status. They should not be targeted or harassed. Importantly, this bill does not prevent police from identifying individuals who are on federal criminal watch lists. That information is already available through standard database checks when an officer runs a driver's license.

SB0791 strengthens public safety by ensuring that police focus on criminal activity, not civil immigration matters, and by requiring ICE to obtain judicial warrants when appropriate—something judges are available to issue at any time. This protects both residents and local governments while maintaining lawful cooperation where it is actually necessary.

I urge you to vote Favorable on SB0791 and support its passage through the General Assembly.

Thank you for your consideration.

Daniel Golombek.  
Lutherville.  
District 11

# Trone SB0791 FAV.pdf

Uploaded by: David Trone

Position: FAV

# From the Desk of Congressman David Trone

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February 25, 2026

The Honorable William Smith  
Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

The Honorable Jeff Waldstreicher  
Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

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

I write in support of *Senate Bill 791 - the Community Trust Act*. This legislation is a necessary step to protect the due process rights of all Maryland residents and to maintain trust in our justice system.

In 2025, over four times as many Marylanders were transferred to ICE custody through informal local collaboration than through the formal 287(g) program. Many of those rounded up had no criminal history, and some were even U.S. citizens or military veterans. Situations like these raise serious concerns about the presumption of innocence and the right to challenge detention before a judge, fundamental protections that are central to our justice system since its founding.

The federal *Laken Riley Act*, passed by Congress and signed into law by President Donald Trump, expanded mandatory ICE detentions, making it possible for individuals to be held without judicial review. While this federal law enables such detentions, Maryland is not required to participate. The *Community Trust Act* closes the loophole left by the 287(g) ban, ensuring that informal collaboration does not continue in ways that compromise constitutional protections.

This legislation requires that no individual can be held or transferred to ICE without a judicial warrant and prevents proactive sharing of information for immigration enforcement. Federal authorities retain their responsibilities and access to federal systems, while Maryland ensures its processes respect due process and civil liberties.

Passing this legislation is about protecting the rights and dignity of all residents, reinforcing the presumption of innocence, and maintaining public trust. Safeguarding these principles strengthens our communities, promotes fairness, and supports the safety and stability that everyone depends on.

Respectfully,



David Trone  
Former Member of Congress

# **Testimony on House Bill 1575.pdf**

Uploaded by: Debbie Shulman

Position: FAV

**Testimony on House Bill 1575-Favorable**

**HB 1575-Correctional Services and Public Safety-Immigration  
Enforcement-Prohibitions (Community Trust Act)**

**House Judiciary Committee**

**February 25, 2026**

Dear Honorable Chair Bartlett, Vice Chair Davis, and Members of the Committee,

My name is Deborah Shulman, and I am a resident of Olney, MD. **I am writing in Support of HB-1575-The Community Trust Act.**

I am a Jew who is haunted by what is happening in our country now. We are seeing law enforcement taking people without due process because of their skin color and ethnicity. They are of the mindset that immigrants are criminals. Criminals have more rights than our immigrants.

I fear other groups will be targeted including those who are citizens. What happens to one could happen to all. Due process is for all people, and our constitution is being violated

I support HB 1575 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE-holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes communities less safe by eroding trust between resident and law enforcement

I am seeing blatant disregard for human rights, and this must be stopped. My daughter in law is from Guatemala. She is a citizen but could still be targeted because she is darker and has an accent, The bill simply requires a judicial warrant before anyone is held for ICE

and stops local officers from proactively contacting ICE about people in their custody.

It doesn't prevent the federal government from enforcing immigration laws; it ensures that Maryland is not doing ICE's job for them.

90% of ICE arrests are people who aren't violent criminal. I do not feel safer in this climate.

**For these reasons, I respectfully urge the committee to issue a favorable report on HB 1575**

Thank you for your time and consideration,  
Sincerely,

Deborah Shulman  
Olney, MD

# **Testimony on Senate Bill 791.pdf**

Uploaded by: Debbie Shulman

Position: FAV

Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
(Community Trust Act)  
Judicial Proceedings Committee  
February 25, 2026

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,  
My name is Debbie Shulman, and I am a 31-year resident of Olney, Maryland. I am writing in support of SB791 – the Community Trust Act.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement. I volunteer with the immigrant community and see every day how awful the current situation is. People are showing up for immigration appointments, court dates and more and being taken. Police officers racially profile people and find reasons to take them to jail and then call ice to take them. There is no due process. Our state and local police should not be a part of this. In reality ICE shouldn't be doing this at all. We do not need to be a party to locking people up and dividing families. This is inhumane!!

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a favorable report on SB791.  
Thank you for your time and consideration.

Sincerely,

Debbie Shulman  
Olney, MD

# **SB791 Favorable 2026.pdf**

Uploaded by: Debi Jasen

Position: FAV

Judicial Proceedings Committee  
Senate Bill 791  
Favorable

Honorable Chair, Vice Chair, and Members of the Judicial Proceedings Committee;

Please give Senate Bill 791 a favorable report.

Senate Bill 791 seems to cover the situations that banning 287(g) agreements in the state does not. As someone who believes in due process, and who opposes racial profiling, I support Senate Bill 791. I hope that you feel the same way.

Sincerely,  
Debi Jasen  
Pasadena, MD

**SB791\_Jacobsohn\_FAV (1).pdf**

Uploaded by: Deedee Jacobsohn

Position: FAV

February 25, 2026

Deedee Jacobsohn  
North Bethesda, MD 20852

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

To: Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

From: Deedee Jacobsohn

My name is Deedee Jacobsohn, and I am a resident of D16. I am writing in support of **SB791 – the Community Trust Act**.

I am a member of B'nai Israel Congregation in Rockville, where I am active with both the Social Justice and Immigrant & Refugee Aid committees. I am also a paraeducator at Twinbrook Elementary where I work in the pre-k class. Jewish tradition emphasizes our responsibility to protect, support, and love the “sojourners” in our communities because we were once strangers ourselves. Our Torah also demands that we pursue justice, which combines protecting the vulnerable with an emphasis on fair legal systems. I always felt that this is echoed in the last line of the Pledge of Allegiance, which our school recites together every day: “with liberty and justice for all.” Yet today we see that **Maryland law enforcement officers are ignoring the requirements of the justice system and unconstitutionally collaborating with ICE, which has been targeting the most vulnerable members of our community.**

There are laws that define the process to be followed by asylum seekers and undocumented immigrants. Yet we have seen ICE detaining people who are following the procedures. Now, people who are arrested and held in local jails are being held past their release dates and turned over to ICE—without having been proven guilty of a civil infraction, much less a criminal offense. Local law enforcement should not be helping ICE circumvent the laws in ways that terrorize our immigrant

SB791 stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws. Let's not erode the public trust in our local law enforcement officers by encouraging them to be informers.

I am horrified and broken-hearted after reading about neighbors who have lived here for decades, raising their families here and sending their children to our schools, who have been forcibly detained by ICE because their skin is not white. I am sickened that our neighbors are being held in inhumane conditions in ICE detention facilities, often out of state without access to family members or legal representation.

For these reasons, **I respectfully urge the committee to issue a favorable report on SB791.**

**SB0791\_DevinKrol\_Favorable.pdf**

Uploaded by: Devin Krol

Position: FAV

**Testimony on Senate Bill 791 – Favorable**  
**SB791 – Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Devin Krol, and I am a community member from Baltimore County, District 11, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

I was born in Baltimore County and as a child attended Jewish day schools there. My father was born and raised in Baltimore City. His parents were Holocaust survivors, David and Rose Krol; they settled in Baltimore City and then the county when they arrived as refugees. My grandparents met and got married in a displaced persons camp after the Holocaust while waiting for an American sponsor in order to come here. My mother immigrated to Baltimore City from Argentina when she was just 6 years old and finally obtained her green card when she was a young adult, at around 20- quite the feat! As any immigrant to the USA will tell you it often takes years, even decades, to get a green card. My family background and Jewish education gave me a deep sense of justice and civil action, a need to repair the world called Tikkun Olam. This has led me to working towards immigrant justice; we must protect all members of our Maryland community regardless of their country of origin or documentation status.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

I have multiple loved ones who have missed school, graduation, and other life events as a result of their fear of ICE. Parents who have had to get Temporary Guardianship Agreement in order to protect their children if their worst fears come true and their family is ripped apart. How can we stand by as our friends, family, and neighbors live in a constant state of fear and mistrust? That is why the Community Trust Act is imperative to creating a safer and more just Maryland.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. Nationally, 80% of people held in jails have not been convicted; many are awaiting trial, may be found not guilty, or have charges dropped altogether. When local law enforcement and correctional officers quietly and informally aid ICE, outside of the formal 287(g) program, it undermines the presumption of innocence and harms public safety by eroding trust.

This is the best tool to end the collusion and collaboration between local enforcement and ICE, outside the confines of 287(g), in order to keep families together and ensure the safety in our streets. By passing the Community Trust Act, the relationship and trust between our immigrant communities and local law enforcement could be rebuilt.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

**Devin Krol**

# **Favorable SB 791 2.23.26.pdf**

Uploaded by: Eileen Benecke

Position: FAV

Senator William Smith, Chair, Senator Jeff Waldstreicher, Vice Chair and Members of the Judicial Proceedings Committee,

I submit this testimony in strong support of SB 791, the Community Trust Act, which is urgently needed to protect public safety, constitutional rights, and community trust by limiting non-mandatory cooperation with federal civil immigration enforcement.

The recent 287(g) ban was a critical first step, ending formal deputization of local correctional officers as ICE agents. However, it left gaping loopholes that ICE-cooperating counties like Frederick and Harford are already exploiting through informal workarounds.

- In Frederick County, Sheriff Jenkins has publicly stated post-ban that they will continue 48-hour detainer holds, share daily arrestee lists with ICE, and maintain "partnership" without formal agreements.
- Harford Sheriff Gahler has vowed to "continue sharing information" on arrestees so ICE can file detainers, and to "allow immigration detainers" for releases.

The Community Trust Act closes these gaps by:

- Explicitly prohibiting correctional facilities from holding, transferring, or providing non-public information/access to ICE absent a judicial warrant or court order thereby directly targeting the "courtesy holds," data feeds, and jail access promised to persist post-287(g).
- Barring law enforcement agents from using agency resources for civil immigration enforcement or routine notifications, eliminating ad hoc "partnerships."
- Unlike the 287(g) ban (which only blocks MOUs), this statute creates a statewide floor, ensuring uniform compliance and preventing patchwork practices that undermine community trust.

Without this bill, counties can, and will, continue diverting resources from core public safety to federal civil enforcement, eroding trust in law enforcement among immigrant communities who then hesitate to report crimes or access services.

SB 791 equips residents with powerful tools to ensure compliance:

- Private right of action: Affected individuals can sue for actual damages, punitive damages, and injunctive relief. This is a direct deterrent for counties ignoring the law, unlike Attorney General only enforcement in weaker statutes.
- Clear prohibitions with narrow exceptions: Ties all cooperation to judicial warrants, court orders, or victim-protection carveouts (e.g., U/T visas), making violations easy to prove in court.
- Statewide uniformity: Applies to all correctional facilities and law-enforcement agencies, with no opt-out for counties, and is enforceable through a private right of action for individuals harmed by violations. This mirrors successful models in Oregon and Illinois,

where private suits have driven compliance without reliance on resources of the Office of the Attorney General.

Opposition: Sheriffs in Frederick, Harford, and similar counties argue:

1. "Public safety threat": They claim limits will release "dangerous criminals" and increase ICE street arrests.  
Rebuttal: The bills only block civil enforcement cooperation; criminal warrants and judicial processes remain untouched. Data from CA (SB 54) and NY show sanctuary policies increase crime reporting by immigrants (+10-20% in some studies) without crime spikes. Frederick/Harford's own 287(g) data shows most referrals were low-level/no criminal history i.e. true civil enforcement, not public safety.
2. "ICE will flood communities": More street operations if jails are off-limits.  
Rebuttal: Ending jail cooperation in Maryland won't *cause* flooding – it just won't *facilitate* it through local resources. ICE surges based on federal will and capacity, not local opt-ins.
3. "Violates sheriff authority/polls show support": Legislators overreach; 52% of Marylanders back cooperation.  
Rebuttal: States have plenary authority over local law enforcement. Recent Maryland surveys show majority support for warrants before holds. Sheriffs serve state law and this bill codifies constitutional baselines they already skirt.
4. "No alternative provided": Annapolis pulls programs without solutions.  
Rebuttal: The alternative is constitutional policing: focus on Maryland crimes, not federal civil status. Resources saved from ICE cooperation can go to understaffed jails and violent crime.

SB 791 builds logically on the 287(g) ban, delivering enforceable statewide protections that prioritize Maryland public safety over federal civil priorities. As a Frederick resident who has witnessed diverted resources and eroded trust, I urge a favorable report. All Maryland families deserve law enforcement focused on real threats, not immigration status.

Thank you.

Eileen Benecke, Frederick Maryland

Testimony drafted with assistance from Perplexity AI

**\_Testimony on SB0791, Community Trust Act, favorab**

Uploaded by: Emily Blank

Position: FAV

January 22, 2026

Emily C. Blank  
Brentwood, MD 20722

**TESTIMONY ON SB #791- POSITION: FAVORABLE**  
**Community Trust Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Emily C. Blank

**My name is Emily C. Blank. I am a resident of District 47a. I am submitting this testimony in support of SB #791, the Community Trust Act**

I am a retired economics professor (38 years at Howard University). I am also a member of congregation Oseh Shalom in Laurel, and a core leader of the Maryland chapter of Bend the Arc, Jewish Action

. Not everyone accused of a crime has actually committed one, and everyone deserves due process. Even those who have committed a crime do not deserve to be left to the tender mercies of ICE/CBP. From all the reports I have heard, ICE detention facilities are concentration camps, not to put too fine a point on it. Further, in their apparent haste to turn the United States into an all-white country, citizens and legal residents have been swept up in the United States deportation system.

I realize that the Maryland legislature cannot stop ICE or the CBP, but I have strong objections to local and state police assisting them. Indeed, I would like to see Maryland police arrest ICE officers who break the law.

In short, I request that the legislature refrain from allowing police to turn anyone in their custody over to ICE,

**I respectfully urge this committee to return a favorable report on SB #791.**

**Amica Center Favorable Testimony SB 791.pdf**

Uploaded by: Eric Lopez

Position: FAV



Formerly known as CAIR Coalition

1025 Connecticut Avenue NW,  
Suite 701 | Washington, DC 20036

[www.amicacenter.org](http://www.amicacenter.org)

## Testimony on Senate Bill 791 - Favorable

SB 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
(Community Trust Act)

Senate Judicial Proceedings Committee

February 25, 2026

Dear Honorable Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee,

Amica Center for Immigrant Rights (Amica Center) is pleased to offer **a favorable testimony in strong support of SB 791 - Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act).**

**The Amica Center.** We are a non-profit organization that provides pro bono legal defense services to community members detained by Immigration and Customs Enforcement (ICE) in Maryland and the DMV area. Our organization has specialized in detained removal defense for the past 25 years and are leaders in creating systemic changes in the immigration system for the benefit of vulnerable non-citizen community members.

**The Community Trust Act** is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

Maryland has already made clear that it upholds the value of defending our immigrant communities against ICE by prohibiting 287g agreements. Senate Bill 791 takes the next logical step of putting that value into practice by eliminating informal cooperation between local law enforcement and jails and ICE. When local law enforcement aid immigration



Formerly known as CAIR Coalition

1025 Connecticut Avenue NW,  
Suite 701 | Washington, DC 20036

[www.amicacenter.org](http://www.amicacenter.org)

detention and deportation efforts, it frees up ICE's resources to expand operations into the broader community.

**This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody.** It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

The individuals that we serve, their families and communities, would greatly benefit from this bill. Clear law enforcement boundaries build trust, strengthening communities and institutions. **For these reasons, the Amica Center urges the committee to provide a favorable report on SB 791.**

Sincerely,

Eric Lopez  
Deputy Program Director  
Amica Center for Immigrant Rights  
10 E. North Ave  
Baltimore, MD 21202

**EHWTestimony on Favor Senate Bill 791 2-23-26.pdf**

Uploaded by: Erin Hodge-Williams

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services & Public Safety –  
Immigration Enforcement – Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 23, 2026**

Dear Senator Smith, Senator Waldstreicher, and Members of the Committee,

I am a Baltimore City resident and I am a member of a group of women who are funders and invested in local and state politics. I strongly urge you to pass SB791, the Community Trust Act, to end state and local collaboration with ICE and protect the safety, rights, and dignity of Maryland residents. Immigration enforcement is a federal responsibility, yet Maryland's local law enforcement agencies are being drawn into a deportation pipeline through voluntary collaboration that is costly, unnecessary, and harmful to public trust.

In 2025, the vast majority of Marylanders transferred to ICE custody came through informal local collaboration, not formal programs, and most had NO criminal convictions. Let me repeat: most had NO criminal convictions. Many individuals were funneled into federal detention simply because local systems choose to notify or hold them for ICE. This undermines due process, erodes the presumption of innocence, and discourages immigrant families from engaging with law enforcement when they need help, making all of our communities less safe.

The Community Trust Act provides a clear, lawful boundary: requiring a judicial warrant before anyone is detained for ICE and prohibiting local officials from facilitating civil immigration enforcement.

Maryland has no legal obligation to assist ICE. Continuing to do so is a policy choice that exposes local jurisdictions to legal risk, strains limited resources and weakens community trust in public safety institutions. By passing the Community Trust Act, Maryland can uphold the rule of law, protect constitutional rights, and ensure that local law enforcement remains focused on keeping communities safe—not acting as an arm of federal immigration enforcement.

For the safety of our communities, the integrity of our legal system, and the protection of Maryland families, I respectfully urge a favorable report on the Community Trust Act.

Sincerely,

Erin Hodge-Williams  
5905 Charlesmead Ave, Baltimore MD 21212

**SB791 - Community Trust Act\_FAV\_QV.docx.pdf**

Uploaded by: Erinn Camp Mansour

Position: FAV

**Bill Title:** SB791 – Correctional Services and Public Safety - Immigration Enforcement Prohibitions (Community Trust Act)  
**Position:** SUPPORT (FAV)  
**To:** Judicial Proceedings Committee  
**Date:** February 25, 2025

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

Quaker Voice of Maryland (QVM) is a faith-based advocacy group that advocates for policies that are just, compassionate, equitable, and respectful of the inherent worth of every person and the Earth upon which we live. Quakers (Friends) across Maryland shared with us their concern for immigrant protections. QVM sees SB791 as an urgent priority in response to increasingly aggressive immigration enforcement policies.

The Community Trust Act draws a clear line between Maryland law enforcement and federal immigration enforcement. Currently, most local jails and police across Maryland voluntarily hold and transfer individuals to U.S. Immigration and Customs Enforcement (ICE) without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's mass deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

The Quaker experience of the Divine affects what we do in our personal lives, what we believe and how we work for changes in the wider world. "Testimonies" are what Quakers call the ways we have found to live and act based on our beliefs. We embrace the knowledge that all persons are children of the Divine and brothers and sisters of one another. **Our spiritual and social testimonies, including those of peace, community, integrity, and equality, lead us to submit this testimony supporting SB791.** Therefore, many Friends are led to support and protect vulnerable people in our communities, including immigrant f/Friends. These leadings are both a spiritual expression of a relationship with our Creator, and a social commitment to every individual in our communities.

Friends strive to live lives of radical wholeness and truth, where inner spiritual convictions match outward actions and words, treating all people with equal respect, regardless of status. Accepting the seizure and removal of f/Friends from our communities, without a judicial warrant or proof of wrong-doing, conflicts with these spiritual and social commitments. This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. Therefore, we respectfully request a FAVORABLE report for this SB791. Thank you for your thoughtful consideration of our testimony.

Sincerely,

Erinn Camp Mansour

*Working Group Member, on behalf of Quaker Voice of Maryland*

*Organization email: [quakervoicemd@gmail.com](mailto:quakervoicemd@gmail.com)*

**SB791\_Edwards\_FAV.pdf**

Uploaded by: Farnaz Edwards

Position: FAV

Farnaz Edwards  
18680 Queen Elizabeth Dr.  
Brookeville, MD 20833  
District 14

TESTIMONY IN SUPPORT OF SB791, Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)  
February 25, 2026

Dear Chair Smith and Members of the Judicial Proceedings Committee:

I am writing to urge you to support SB791, The Community Trust Act.

Just as Maryland's new law banning 287(g) cooperation agreements between local law enforcement and ICE goes into effect, sheriffs from nine counties have declared they will continue working with federal immigration officials by using certain "loopholes." Maryland needs SB791 to close these loopholes. This bill will do just that, prohibiting employees and agents of State and local correctional facilities, as well as law enforcement agents, from engaging in immigration enforcement activities that go beyond their core public safety missions.

By establishing these clear limits, SB791 protects fundamental rights and civil liberties, ensuring individuals are not subject to detention or investigation simply because of their nationality or immigration status. It aligns public safety responsibilities with community needs, ensuring that resources in correctional and law enforcement settings are focused on criminal justice rather than civil immigration enforcement.

For these reasons, I urge the Committee to **support** SB791. Thank you.

Respectfully submitted,

Farnaz Edwards

**Bill0791\_FrancaBrilliant\_Favorable.pdf**

Uploaded by: Franca Brilliant

Position: FAV

Wednesday 2/25, 1:00 pm

Franca Brilliant, Takoma Park, MD 20912

**TESTIMONY ON SB0791 - 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:** Franca Brilliant

**My name is Franca Brilliant. I am a resident of District 20. I am submitting this testimony in support of SB 0791, Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act).** I am the Social Action Vice President of the Board of Tifereth Israel Congregation, located in Washington, DC with over 200 members who are Maryland residents, as well as a participant in the SEA Change DMV network of synagogues dedicated to advancing social justice.

I support SB0791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

In the annual cycle of reading the Torah every Shabbat we have reached the story of Moses and Pharaoh, the source of the repeated commandment that we should treat the stranger “as one of your citizens...love him as yourself for you were strangers in the land of Egypt.”

I have watched with horror this past year as ICE has terrorized communities, torn families apart, and illegally harassed individuals, including citizens of the United States, based on their appearance and the color of their skin. I have friends and neighbors who live in terror of being picked up and disappeared to an undisclosed location on their way to being deported. I know that ICE is currently recruiting tens of thousands of agents with hefty salaries and signing bonuses and providing minimal training in the rules that govern interaction with community members.

This is not how we should behave.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Maryland local and state law enforcement agents have their own important roles to play. This does not include acting as agents of ICE. **This legislation will make a difference to communities across the state. I respectfully urge this committee to return a favorable report on SB0791.**

# **TESTIMONY FOR SB0791 Community Trust Act.pdf**

Uploaded by: Gita Lefstein

Position: FAV

**Testimony on House Bill – Favorable**

**SB0791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
(Community Trust Act)**

Judicial Proceedings Committee

February 23, 2026

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Gita Lefstein, and I am a resident of Baltimore County, Maryland. I am writing in support of SB0791, Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act). Thank you for passing the emergency bill banning 287(g) agreements in Maryland. That is an important first step in stopping the terrorizing of the immigrant community going on these days. But it is only the first step. Almost 1/3 of ICE arrests in Maryland were facilitated by local jails. By far the majority of those (82%), were not 287(g) related. Many of those people had been accused of only minor offenses, and many of them had not been convicted of any offense. DHS likes to claim that it is only deporting the worst of the worst, but anybody who follows the news knows that is not the case. ICE is out of control. We need to do everything we can to stop this immoral and illegal treatment of people who are just trying to live their lives. It is up to us to do what we can to curb ICE. State and local law enforcement should not be cooperating in any way with ICE. Any cooperation makes them complicit with terrorizing our communities.

I respectfully urge you to issue a favorable report on SB0791.

Thank you.

# **Testimony Supporting SB791.pdf**

Uploaded by: Gretchen Tome

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. I am a resident of District 45 and I am testifying in support of SB791, the Community Trust Act.

Maryland urgently needs this bill to pass because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to assist ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were responsible for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions, meaning that law enforcement officers are taking action against people who otherwise would have no reason to be reported to ICE.

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does not prevent the Federal government from enforcing immigration laws, does not hide any information from ICE, and does not impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to define and enforce the separation between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name, the Community Trust Act - it is a step toward building community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote in support of SB791, the Community Trust Act.

Thank you for your time, service, and consideration.

Sincerely,

Gretchen M. Tome

Baltimore, MD 21213

Showing Up for Racial Justice Baltimore

**MSBA Testimony SB791.pdf**

Uploaded by: Heather Krick

Position: FAV



**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

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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.<sup>1</sup> 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

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<sup>1</sup> 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>

# **SB791**

Uploaded by: Henry Gordon

Position: FAV

**Testimony on Senate Bill 791 – Favorable**

**SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 23, 2026**

**TO:** Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

**FROM:** Henry F. Gordon

My name is Henry Gordon. I am a resident of District 20 and live in Montgomery County. I am a retired economist who spent my professional career working in developing countries. Currently I am involved in Park Hills and Seven Oaks neighborhood associations.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in their custody, all without a judicial warrant.

As a World Bank staff member I had long experience working with authoritarian governments in Eastern Europe, Central Asia and Africa. I frequently dealt with relations between central governments and local authorities. The pressure exerted on localities by our federal government to carry out its lawless agenda is shocking to me. Such behavior may be common in the countries where I worked, but I never expected to see it in the United States.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. Ending this collaboration would improve safety, trust, or fairness in my community and the state at large. For these reasons, **I respectfully urge the committee to issue a favorable report on SB791.**

Thank you for your time and consideration.

Sincerely,

Henry Gordon

514 Dartmouth Ave.

Silver Spring, MD 20910

# **SB791 - Community Trust Act(1).pdf**

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. I am a resident of **District 46**. **I am testifying in support of SB791, the Community Trust Act.**



**Showing Up for Racial Justice**

Maryland urgently needs this bill to pass, because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,

**Holly Powell**

**2308 Cambridge Street**

**Baltimore, Maryland 21224**

Showing Up for Racial Justice Baltimore

# **SB791 Testimony (1).pdf**

Uploaded by: Jacob Keller

Position: FAV

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Jacob Keller, and I am a lifelong resident of Montgomery County, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

Although my parents were born in the United States, I owe my happy and carefree childhood to the hardworking women from Peru, Ecuador, and Bolivia who cared for me so that my parents could make a living. These women, some undocumented, some documented, all ensured that my siblings and I never missed our parents for a second, keeping us all entertained, well-fed, and smiling for over fifteen years. Crucially, each of these women would be targeted for brutal arrest, public humiliation, and deportation into poverty and persecution by Donald Trump's racist ICE regime.

I support SB791 because it is unacceptable that local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a warrant signed by a judge. This is nakedly unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

I am a white, US-born male citizen, privileged more than I can ever know. And I have never felt more unsafe than I do today, knowing that an \$80-billion-dollar private army prowls our streets, and that every police car I see could be surveilling, pursuing, and detaining on their behalf.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Maryland's beauty and strength as a state lie in its diversity, in its welcoming of all individuals with kindness and trust, in its rich community of languages, ethnicities, religions, and perspectives. There is no stronger deed we could take than to protect all Marylanders from surrender or exposure to Donald Trump's chauvinistic, ignorant brutality.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,



**Jacob Keller**

# **Community Trust Senate version 23 FEB 2026.pdf**

Uploaded by: Jan Kleinman

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. I am a resident of District 46. I am also the descendant of immigrants; my grandparents came to the USA about 120 years ago. At that time, they were the targets of discrimination because of their faith. Despite that ill-treatment, they survived and thrived. Now, I owe it to them to advocate for fair treatment of today's immigrants. **I am testifying in support of SB791, the Community Trust Act.**



Showing Up for Racial Justice

Maryland urgently needs this bill to pass, because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected. All my grandparents wanted, and all today's immigrants also want, is to be treated fairly, to be treated like any other member of our society. We all want to feel safe and we all want our law enforcement officers to keep us that way.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,  
Jan Kleinman  
250 President ST Unit 508  
Baltimore, MD 21202  
Showing Up for Racial Justice Baltimore

# **Testimony on Senate Bill 791 – Favorable - JCavana**

Uploaded by: Jean Cavanaugh

Position: FAV

**Testimony on Senate Bill 791 – Favorable**  
**SB 791 – Correctional Services and Public Safety – Immigration Enforcement –**  
**Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Jean Cavanaugh, and I live in Frederick MD. I am writing in support of **SB 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**.

I agree with Governor Moore that Maryland law enforcement should not be complicit with or enable a federal force that, under this Administration, is violating the constitutional and human rights of thousands of nonviolent immigrants, many of whom have the legal right to be here. Local law enforcement should not be “deputized” by an agency like those in DHS that do not practice the standards of constitutional policing we have here in Maryland.

The Trump Administration has engaged in manufactured “illegality” for immigrants, changing criteria for various levels of status seemingly on a whim. The true purpose of DHS agency tactics is to terrorize into submission people on the streets of our cities, in our agricultural and food sectors, and other places where workers congregate.

Whether formal or informal, local law enforcement collaboration with DHS agencies erode trust in police and make our communities less safe.

Maryland should not help DHS disappear, detain, and deport our neighbors. I support the United States as a welcoming country for immigrants who come here to contribute, work hard, and make a better life for their families.

Please vote favorably for SB 791.

Thank you,

Jean Cavanaugh, Frederick, MD

# Montgomery SB791FAV.pdf

Uploaded by: Jean Montgomery

Position: FAV

**Testimony on Senate Bill 791 – Favorable**  
**SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions**  
**Community Trust Act**  
**Judicial Proceedings Committee**  
**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Jean Montgomery, and I am a resident of Olney, Maryland, District 14. I am writing in **support of SB791 – the Community Trust Act**. This law prohibits Maryland employees, agents of the state, and local correctional facilities from working with immigration enforcement; bans transfers of to ICE unless a valid judicial warrant is presented; protects sensitive locations, such as schools, hospitals and courthouses; mandates law enforcement agencies in Maryland adopt these policies or face penalties; and provides Maryland residents with civil action as recourse to sue if this law is violated.

I **support SB791** because while HB 444/SB 245 is law, prohibiting and eliminating 287 g agreements between ICE and county police, there are still local jails and law enforcement voluntarily collaborating with ICE in Maryland--holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

I care personally about this issue for many reasons. First of all, ICE operates unlawfully, illegally searching, seizing, entering homes and private spaces, trafficking, and imprisoning persons, in flagrant disregard of the Constitutional Rights afforded to all persons in the United States. Secondly, I do not want the name and honor of our state's law enforcement tarred with their impunity, given that ICE operates lawlessly. Thirdly, many of my family members, friends, and community members and **Maryland residents** come from multicultural, multilingual backgrounds, hold a variety of statuses (e.g, naturalized citizen, dual citizen, resident with student/worker VISA, etc), and play a pivotal role in my church, family, local economy, and community at large. Their lives, livelihood, and that of their families are endangered when local law enforcement operate outside of our state law and alongside ICE agents.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. The passage of this law will improve safety, trust, or fairness in Maryland by (1) re-affirming the rights and liberties afforded to all persons by our Constitution; (2) providing an enforcement mechanism for Maryland law, so that no counties or sheriffs operate outside of our state law; and (3) confirming that all Maryland residents are protected by judicial process by mandating judicial warrants..

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791/HB1575**. Thank you for your time and consideration.

Sincerely,

Jean Montgomery, District 14 voter.

**SB791\_FAV\_EconAction.pdf**

Uploaded by: Jennifer Bevan-Dangel

Position: FAV



**SB791– Correctional Services and Public Safety –  
Immigration Enforcement - Prohibitions (Community Trust Act)**

**Position: FAVORABLE**

February 25, 2026

The Honorable Will Smith, Chair  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401  
cc: Members, Judicial Proceedings Committee

Chair Smith and Members of the Committee,

Economic Action Maryland Fund urges a favorable report on SB791, which builds on the important guardrails this committee established in SB275 by requiring a judicial warrant before anyone is held for ICE, and preventing local officers from contacting ICE about people in their custody.

Through our tenant and older adult direct service programs, Economic Action Maryland Fund serves immigrant clients and communities.

Through our work on medical debt, we saw how immigrant families delayed treatment for medical issues due to fear, and we are concerned families are not receiving services they need due to fear of unlawful detainment and potential deportation.

At its core, SB791 is about upholding Maryland’s values - fairness, dignity, and justice for all. This bill affirms that our state should not undermine public trust or allow individuals to be swept up by federal immigration enforcement without due process. Instead, Maryland should remain focused on community safety, due process, and equal treatment under the law by prohibiting the detainment of individuals without a judicial warrant.

Informal collaboration between local law enforcement and ICE, holding and transferring individuals without a judicial warrant, undermines the most fundamental due process rights that our country was founded on and we urge a favorable report on SB791.

Sincerely,  
Jennifer Bevan-Dangel, Deputy Director

*Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.*

2209 Maryland Ave · Baltimore, MD 21218 | [www.econaction.org](http://www.econaction.org)  
Marceline White · [Marceline@EconAction.org](mailto:Marceline@EconAction.org) | Jennifer Bevan-Dangel · [Jennifer@EconAction.org](mailto:Jennifer@EconAction.org)

# **Testimony on Senate Bill 791 – Favorable.pdf**

Uploaded by: Jennifer Blalock

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

**Indivisible Baltimore County** offers favorable testimony in support of **SB791 – the Community Trust Act**.

**Indivisible Baltimore County is one of thousands of Indivisible groups across the country taking action to build grassroots power and fight for a truly inclusive democracy.**

The Community Trust Act is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

**Indivisible Baltimore County advocated for County House Bill 98-25: Protections for Non- U.S. Citizens**, following widespread community concern due to the removal of the county's sanctuary status. 98-25 clarified that county personnel will not engage in civil immigration enforcement beyond what is legally required, ensuring that all residents can safely interact with local government.

The Community Trust Act simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

**Ending collaboration between local law enforcement and federal civil immigration authorities, as proposed in Senate Bill 791, would reduce fear, strengthen trust in public systems, and ensure that our communities can safely access the protections and services they are entitled to.**

For these reasons, **Indivisible Baltimore County** urges the committee to issue a favorable report on SB791.

Sincerely,

**Jennifer Blalock, Steering Committee**  
**Indivisible Baltimore County**  
**contact@indivisible-baltimorecounty.org**

# **SB 791 Community Trust Act Favorable Testimony UU**

Uploaded by: Jim Caldiero

Position: FAV



## Unitarian Universalist Legislative Ministry of Maryland

### Testimony SB 791 -

### Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act), Favorable Report

To: Sen. Will Smith, Chair, Sen. Jeff Waldstreicher, Vice-Chair, and  
Members of the Judicial Proceedings Committee  
From: Jim Caldiero, Lead Advocate for Immigration,  
Unitarian Universalist Legislative Ministry of Maryland  
Date: February 25, 2026

Thank you for the opportunity to offer written testimony **IN FAVOR** of **SB 791 - Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**.

I ask you to close your eyes and picture the images from Los Angeles, Chicago, and Minneapolis. Agents of our federal government have abused the trust placed in them as they patrol city streets in military-type vehicles or in unmarked cars, abducting law-abiding individuals, entering homes without a judicial warrant, and murdering U.S. citizens. Picture the courthouse in Greenbelt where our neighbor, Kilmar Abrego Garcia, continues to fight for his safety and to be with his family after his illegal deportation.

These images alone ought to be sufficient to argue for a favorable vote of **SB 791** which will end the participation of state and local government employees and facilities with federal authorities in immigration enforcement. When the U.S. Supreme Court in 1875 and into the 1880's placed immigration under federal control, it marked a precedent that we should follow. Immigration is a federal responsibility, and we should draw a clear line between local law enforcement and federal immigration enforcement, while allowing the justice system to function as intended. Maryland has no legal obligation to assist ICE; continued collaboration is a political choice that wastes taxpayer dollars and harms communities. Ending this cooperation will strengthen public safety, encourage crime reporting, and affirm that Maryland will not be complicit in targeting hard-working, law-abiding immigrant families who contribute millions to our state economy.

My faith, which I share with more than 4000 Unitarian Universalists across Maryland, calls me to affirm justice, equity and compassion in our human relations. These values are foundational, supporting a judicial and immigration system that respects the worth and dignity of every person, a system based on trust – trust that our law enforcement and corrections officers and every state employee will follow the Constitution, our Maryland Declaration of Rights, trust that they will do the right thing.

I encourage you to issue a favorable report for **SB 791**.

**UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,**

[www.uulmmd.org](http://www.uulmmd.org) [info@uulmmd.org](mailto:info@uulmmd.org) [www.facebook.com/uulmmd](https://www.facebook.com/uulmmd) [www.Twitter.com/uulmmd](https://www.twitter.com/uulmmd)

Sources:

*Henderson v. Mayor of the City New York*, 92 U.S. 259 (1875)

Human Rights Watch, ICE Abuses in Los Angeles,

<https://www.hrw.org/news/2025/11/04/us-ice-abuses-in-los-angeles-set-stage-for-other-cities>

Border Patrol Shooting, Chicago,

<https://abc7chicago.com/post/marimar-martinez-shooting-chicago-woman-shot-border-patrol-brighton-park-file-lawsuit/18584576/>

Renee Good Murder, Minneapolis,

<https://www.cnn.com/2026/01/17/us/ice-shooting-minneapolis-renee-good>

Alex Pretti Murder, Minneapolis,

<https://abcnews.com/US/alex-pretti-icu-nurse-killed-federal-agent-minneapolis/story?id=129525591>

**UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,**

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**SB 791\_Community Trust Act\_Feb. 25, 2026\_JS.pdf**

Uploaded by: Jo Shifrin

Position: FAV

Date of Hearing: February 25, 2026

Jo Shifrin

Bethesda, Maryland 20817

**TESTIMONY ON SB 791 - POSITION: FAVORABLE**  
**Correctional Services and Public Safety - Immigration Enforcement**  
**(Community Trust Act)**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Jo Shifrin

**My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in support of SB 791, Correctional Services and Public Safety - Immigration Enforcement (Community Trust Act).**

I am a retiree and moved to Bethesda in 2014. I'm a member of Adat Shalom, a Reconstructionist synagogue in Bethesda. My support for this legislation comes from my Jewish values. Among these values are *Tikkun Olam*, an obligation to make the world a more fair and equitable place and *Dei Machsoro*, a place where all people can live and thrive.

For the past year, federal agents have acted lawlessly. We have seen them make baseless arrests, abuse their authority and use excessive force. Although the Administration vowed to arrest only "the worst of the worst," we have seen ICE agents beat law-abiding residents and kill US citizens. Law enforcement officers across Maryland have voluntarily cooperated with ICE agents: they have held people past their release dates and notified ICE about individuals in their custody, all without judicial warrants. This collaboration erodes trust between residents and law enforcement agencies, makes our communities less safe, and is likely unconstitutional.

Approximately one month ago, the Department of Homeland Security sent a memo to ICE agents directing them to enter homes and other private spaces without a judicial warrant!

This bill simply requires a judicial warrant before anyone is held for ICE and stops local law enforcement officers from proactively and voluntarily contacting ICE about people in their custody. It does not prevent the Federal government from enforcing immigration laws; it just ensures that Maryland is not complicit in ICE agents' abusive and illegal activities.

**For these reasons, I respectfully urge this committee to return a favorable report on SB 791, Correctional Services and Public Safety - Immigration Enforcement (Community Trust Act).**

# **Testimony of Joanna Silver - SB791 - FAVORABLE.pdf**

Uploaded by: Joanna Silver

Position: FAV

## **TESTIMONY ON SENATE BILL 791 - FAVORABLE**

### **Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee, February 25, 2026**

Joanna Silver  
Silver Spring, Maryland

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Joanna Silver. I am testifying in my personal capacity, but I have worked for over 20 years as a Federal Public Defender in the District of Maryland, representing people involved in both the criminal and immigration systems.

From that experience I would like to share a few points in support of SB791, the Community Trust Act:

First, it is easy for ICE to obtain a judicial warrant if there is probable cause to believe someone committed a federal crime. ICE can alert our US Attorney's Office and present a complaint to a Federal Magistrate, who can in turn issue a warrant; there is a US Attorney and a Magistrate judge on call at both federal courthouses in Maryland at all times. Similarly, if ICE or DHS needs information about someone for a criminal investigation, it can easily get a subpoena for that information from a federal court; this is a routine part of how all federal law enforcement agencies conduct their investigations.

Second, ICE does not need the assistance of our local law enforcement or corrections departments to do their job. I have represented many people over the years who were released into the community from local or state jails, or who were never in our jails to begin with, and ICE has used their resources to find them, put them into removal proceedings, and charge them with the federal crime of illegal reentry.

Third, as I've testified to previously this session, in the past year, I have witnessed ICE prioritize deportation over everything else, acting with a complete disregard for due process and undermining, rather than enhancing public safety. Among other things, they are repeatedly deporting people instead of allowing their federal criminal prosecutions to go forward. If the Department of Homeland Security is willing to undermine the efforts of the United States Department of Justice in furthering public safety, then you can be sure that DHS is not interested in public safety here in Maryland.

We can keep our state safe without enabling a cruel and unjust immigration system. I urge you to issue a favorable report.

# **SB791 - favorable - John Ford.pdf**

Uploaded by: John Ford

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted in collaboration with Showing Up for Racial Justice Baltimore and CASA. I am a resident of **District 46**. I am a community association board member and workforce development professional living in an incredibly diverse and vibrant neighborhood in Southeast Baltimore a block from Eastern Avenue, and the vibrancy, growth, and character of my neighborhood (and city and state) depends on the trust and safety of our immigrant community. **I am testifying in support of SB791, the Community Trust Act.**

Maryland urgently needs this bill to pass, because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,

**John Preston Ford**  
**529 S East Ave, Baltimore, MD 21224**

**SB0791\_JonathanLevitas\_FAV (1).pdf**

Uploaded by: Jonathan Levitas

Position: FAV

Date of Hearing: 2/25/2026  
Jonathan Levitas  
Baltimore, MD 21230

**TESTIMONY ON SB#0791 - 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:** Jonathan Levitas

**My name is Jonathan Levitas. I am a resident of District 46, and am submitting this testimony in support of SB#0791 (The Community Trust Act)**

As I wrote in my last testimony, I am a resident of Riverside, in Baltimore, Maryland, and a member of Beth Am Congregation, the Riverside Neighborhood Association, and, lately, several mutual aid organizations. I continue to write on my own behalf, and on behalf of my family.

Thank you for passing the ban on 287(g) agreements. These agreements had become a stain on the conscience of our state, and I am grateful to see them gone. I write now in support of the Community Trust Act, which will ban unofficial cooperation between Maryland's law enforcement agencies and Federal immigration enforcement agencies.

The Community Trust Act is a vital piece of the legislative push to prohibit cooperation between state and local law enforcement agencies and Federal immigration enforcement in this dangerous time. Soon after the 287(g) ban passed, several county Sheriffs stated they would continue to cooperate with ICE in other ways. Harford County's Sheriff indicates he will continue to inform ICE of who is in his jail and to allow the agency to file detainers, while Carroll County's states he has drafted policy to allow communication with the Federal agency.

Most counties in Maryland already engage in informal collaboration with ICE. In 2025, these informal collaborations, rather than a 287(g) program, accounted for approximately 80 percent of the Marylanders transferred to ICE by state and local authorities. Accordingly, without the Community Trust Act, the 287(g) ban will have accomplished virtually nothing.

I appreciate that my state legislature is working to close this loophole and protect our population. I support this bill because I come from a family of immigrants, and this country welcomed us after so many in my family were persecuted in their countries of origin. It hurts now to see our Federal government persecuting immigrants who just want to live in peace like my family did. I respectfully urge this committee to return a favorable report on SB#0791.

# **Community Trust Testimony.pdf**

Uploaded by: Jonathan Rochkind

Position: FAV



Dear Chairs and Committee Members:

**Jewish Voice for Peace Baltimore and Metro DC chapters are submitting testimony in support of HB1575 and SB791, the Community Trust Act.**

With the passages of HB 444 and SB 245, Maryland is in the vanguard of opposition to President Trump's cruel, chaotic, and destructive campaign of mass deportation. However, even with the ban on 287(g) partnerships in the state, local counties' law enforcement and jail systems can still choose to coordinate with ICE outside of those formal agreements via inquiring about immigration status, detaining on behalf of ICE, and notifying/transferring to ICE, all without a judicial warrant. Indeed, there is speculation that law enforcement will effectively "ignore" the change and continue operating as largely before, simply without the formal agreement in place.<sup>1</sup>

The vast majority of those held in or processed through county jails and therefore subject to these actions have not been convicted of a crime, let alone the extreme, violent crimes held up to justify ICE's escalations.<sup>2</sup> This local collaboration with ICE's unconstitutional overreach into our communities erodes public trust, threatens public safety, and continues the practice of using local resources for federal overreach.

We write to you as constituents and Jews of conscience, horrified by what is unfolding in our community and across the nation. We stand backed by Jewish legal tradition that says that aiding in an unjust prosecution or imprisonment is prohibited.<sup>3</sup> These unjust detentions targeting our neighbors must be stopped: at the very least, we must curtail local contributions to these actions.

We respectfully urge our legislators to return a **favorable report on HB1575 and SB791.**

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<sup>1</sup> Hogan says law enforcement will 'ignore' ICE legislation backed by Wes Moore  
<https://www.msn.com/en-us/news/politics/hogan-says-law-enforcement-will-ignore-ice-legislation-backed-by-wes-moore/ar-AA1WGhiZ?ocid=BingNewsSerp>

<sup>2</sup> New ICE arrest data show the power of state and local governments to curtail mass deportations  
<https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/>

<sup>3</sup> How Should an Ethical Prosecutor Act if the Jails are Unsafe? Lessons from Jewish Law Part 1  
<https://canopyforum.org/2020/05/12/how-should-an-ethical-prosecutor-act-if-the-jails-are-unsafe-lessons-from-jewish-law-part-1/>

**SB0791\_Testimony\_2-25-26\_js.pdf**

Uploaded by: Joyce Sims

Position: FAV

Testimony on Senate Bill - **Favorable**

**SB0791 - Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

Judicial Proceedings Committee

February 25, 2026

My name is Joyce Sims and I am a resident of Mechanicsville in St. Mary's County writing **in support of SB0791 – the Community Trust Act.**

I support SB0791 because some law enforcement entities in our state are voluntarily collaborating with ICE by providing notification about people in custody and then holding them past their release dates - without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

Unfair tactics targeting immigrants, legal or otherwise, also causes harm to our local and national economy. Some of us have learned from talking with local businesses that their immigrant employees have been afraid to report to work for fear of being detained without cause; many are also keeping their children home from school. I personally know of at least two local restaurants that are carry-out only because they cannot find and retain staff to keep their dining rooms open.

SB0791 requires a judicial warrant in order for persons to be held for ICE, and stops local officers from proactively contacting ICE about the immigration status of people in their custody, thereby spending time and resources meant for criminal enforcement on civil matters. The bill in no way prevents the federal government from enforcing immigration laws; it simply ensures that Maryland is not doing that job for them.

For these reasons, I respectfully urge the committee to issue **a favorable report on SB0791.**

Thank you for your time and consideration.

Joyce Sims

Mechanicsville MD 20659

Ref: Cato Inst; Feb 3, 2026; Bier, D.J., Howard, M., Salazar, J.

<https://www.cato.org/white-paper/immigrants-recent-effects-government-budgets-1994-2023>

**IN SUPPORT OF SB 0791.pdf**

Uploaded by: Judy Karasik

Position: FAV

**TESTIMONY IN SUPPORT OF SB 0791, Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**

**Chair William C. Smith, Jr. & Members of the Senate Judicial Proceedings Committee**

February 25, 2026

My name is Judy Karasik and I reside at 2016 Luzerne Avenue, Silver Spring, MD 20910. I have lived in Silver Spring since 2001 and, earlier, resided in Chevy Chase from 1958 to 1971. I am a registered voter and American citizen. I am among a group of neighbors who last year formed North Woodside Civil Resistance out of concern for the threat to our democracy posed by the actions of the Trump administration.

I write to express my strong support for SB 0791, Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act).

US District Court Judge Joseph R. Goodwin summed up the dangers to our republic presented by the actions of immigration enforcement agents in a decision dated February 19, 2026:

*“Antiseptic judicial rhetoric cannot do justice to what is happening. Across the interior of the United States, agents of the federal government— masked, anonymous, armed with military weapons, operating from unmarked vehicles, acting without warrants of any kind — are seizing persons for civil immigration violations and imprisoning them without any semblance of due process. The systematic character of this practice and its deliberate elimination of every structural feature that distinguishes constitutional authority from raw force place it beyond the reach of ordinary legal description. It is an assault on the constitutional order. It is what the Fourth Amendment was written to prevent. It is what the Due Process Clause of the Fifth Amendment forbids.”*

The provisions of SB 0791 help Maryland to resist the lawless, violent, and destructive methods of ICE.

The provisions also do much to protect our correctional officers from cooperating with ICE's lawlessness, especially as regards what Judge Goodman describes -- violations of due process, ignorance of the use of judicial warrants -- as well as violations of privacy laws.

Not only does the bill support enforcement of the Constitution, it reinforces public trust in Maryland state and local law enforcement and public safety professionals, more needed now than ever. Communities need to be able to work with those professionals to make our state a safer, more just place for all residents.

SB0791 is an important complement to the ban on formal 287(g) agreements. We all know that cooperation with these uncountable federal agents can happen in many informal ways that pose a great danger to law-abiding Maryland residents. SB0791 would shut down this loophole.

Marylanders are taking a stand every day in the streets, parks, and highway overpasses all over the state, even as the Trump administration makes clear that peaceful protesters are also their targets. We welcome this body's steps to match that same courage.

Unaccountable law enforcement is the essence of a police state. By ruling out cooperation with the out-of-control agency destabilizing our communities, SB0791 marks an important step towards reclaiming our basic rights. Thank you for your consideration.

Judy Karasik  
2016 Luzerne Avenue  
Silver Spring, MD 20910  
301-467-8736  
karasikjudy@gmail.com

**SB0791\_JulieSimon\_FAV.pdf**

Uploaded by: Julie Simon

Position: FAV

Date of Hearing: Wednesday, February 25, 2026 at 1:00pm

Your Full Name: Julie Simon

Towson, MD 21286

**TESTIMONY ON SB0791- 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:** Julie Simon

**My name is (Your Name). I am a resident of District 43B. I am submitting this testimony in support of SB0791, Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act).**

For the last several years I have been the team lead for the Baltimore Hebrew Congregation Welcome Circle. During that time we have lived our Jewish and civic values, welcoming two Afghan families to Baltimore County and getting to know others from the over 35 Afghan families that live in Cockeysville. Many of these individuals were actively involved in supporting U.S. efforts in Afghanistan and came as part of Allies Welcome. Others have come seeking refugee status and asylum, fleeing religious persecution, political oppression and gender-based violence. All are working, paying taxes, starting new businesses, going to school and otherwise contributing to the vibrancy of our community.

In recent months, the Trump administration has launched a racist, xenophobic and deadly campaign against immigrants across the United States, including attacking parents and families at schools and at work, deploying military equipment to terrorize communities, racially profiling U.S. citizens and shooting people. It is against this backdrop that I am writing to express my support for a favorable report on SB0791, which requires a judicial warrant, signed by a judge, before local jail and law enforcement agencies can hold someone beyond their scheduled release date for Immigration and Customs Enforcement (ICE) or notify ICE about the immigration status of people in custody. Collaborating with ICE in these ways is unconstitutional and makes our communities less safe by discouraging immigrants from cooperating with local law enforcement agencies.

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

# **SB#0791.favorable.community trust.judicial proceed**

Uploaded by: Julie Solomon

Position: FAV

Date of Hearing: February 25, 2026  
Julie Robin Solomon  
Baltimore City, Maryland 21231

## **TESTIMONY ON SB#0791 - POSITION: FAVORABLE**

**Full Bill Name: Correctional Services and Public Safety—Immigration Enforcement—Prohibitions (Community Trust Act)**

**TO:** Chair, Sen William Smith; Vice Chair, Sen. Jeff Waldstreicher; and members of the Judicial Proceedings Committee

**FROM:** Julie Robin Solomon

**My name is Julie Robin Solomon. I am a resident of District 46. I am submitting this testimony on SB#0791—Correctional Services and Public Safety—Immigration Enforcement—Prohibitions (Community Trust Act)**

**I have resided in Baltimore City for 39 years. I belong to the ACLU, Casa, and Indivisible Baltimore. I strongly urge the Committee to pass SB#0791.**

**I support SB#0791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE—holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement. In addition, the collaboration between ICE and our law enforcement risks contaminating the culture of our law enforcement with a heinous, fascistic, and unconstitutional mindset. We must protect our law enforcement institutions as well.**

**All Marylanders, particularly those from historically disenfranchised communities, need to be protected from racial profiling. During this era, when the Trump administration is using ICE and CPB as a fascistic militia, we must make sure that all our community members, including vulnerable populations in our community, are not subject to the unconstitutional actions of ICE. racial profiling. It is our duty as Maryland citizens and elected officials to stand up for the most vulnerable in our community. That is what democracy means--safeguarding the total populace. As a longtime Baltimore City Resident, I have personally witnessed how police and the sheriff's department (in the past) have abused their power with my family members—stopping my young African American godsons on the street for no reason—even stealing from them. I have an African American son and African-American grandchildren and godchildren. My factotum is Latina. I want to make sure that they are not subject to the abuses of ICE facilitated by our local law enforcement. As our Federal Government becomes more racist and aggressive in its fascistic policing practices, our state must take a lead in ensuring that our citizens are not racially profiled. SB#0791 is an important way to achieve this aim. Thank you for all your hard work and efforts to stand up for our democracy.**

**SB0791 testimony 2-23-26.pdf**

Uploaded by: Juliet Brown

Position: FAV

**Testimony on Senate Bill 0791 – Favorable**  
**SB0791 – Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February, 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is **Juliet Brown**, and I am a **resident of St. Mary's County**, Maryland. I am writing in support of **SB0791 – the Community Trust Act**.

I support HB1575 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791/HB1575**.

Thank you for your time and consideration.

Sincerely,

**Juliet Brown**  
**Resident of St. Mary's County, MD**

# **SB791 Favorable Testimony.pdf**

Uploaded by: Kaelin Delaney

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Kaelin Delaney, and I am a resident and homeowner in Upper Marlboro, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

I have seen many of my community members afraid of having interactions with police, including some of my loved ones, because of the racial profiling that has transferred many people into ICE custody, regardless of a criminal history. Many people are afraid to drive on federal roads because federal officials and ICE can stop them on the basis of their skin tone. Knowing that local police could hand them over to ICE too makes leaving the house at all scary. No one should be afraid to leave their house in our state. That makes it impossible to do anything.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

When I was community organizing in D.C., I watched community members become more fearful when they heard that police were cooperating with ICE to incarcerate people for no reason. They stopped showing up to pick up food and needed supplies, because going without necessities is better than worrying about your safety. This tacit approval for police to work with ICE increases racial profiling and decreases the safety and security of residents throughout the district. Right now, it is imperative that we act to change this and prevent further federal overreach.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Our community members should not feel afraid when getting pulled over for a traffic stop. They should feel confident that their families will see them that night. But that is not the world we live in right now, and it is increasing fear and distrust in our communities. Please move to separate police work from federal immigration enforcement. Everyone in Maryland deserves this change.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

Kaelin Delaney  
Upper Marlboro, MD  
[delaney.kaelin@gmail.com](mailto:delaney.kaelin@gmail.com)

**SB 791\_MD Center on Economic Policy\_FAV.pdf**

Uploaded by: Kali Schumitz

Position: FAV



FEBRUARY 25, 2026

## Local Law Enforcement Must Focus on Keeping Marylanders Safe, Not on Immigration Enforcement

### Position Statement Supporting Senate Bill 791

#### *Given Before the Senate Judicial Proceedings Committee*

The safety of all Marylanders is the key function of state and local law enforcement agencies and to ensure this, community trust and cooperation is vital. When local law enforcement agents collaborate with Immigration and Customs Enforcement (ICE), it erodes trust within immigrant communities, discouraging individuals from reporting crimes, seeking assistance and cooperating with law enforcement. This creates a chilling effect that makes our communities less safe for everyone.

**The Maryland Center on Economic Policy supports Senate Bill 791** because it will prohibit local law enforcement agencies from using other non-287(g) related avenues to aid in federal immigration enforcement. It prohibits officers from asking about citizenship or place of birth during routine stops or arrests, ensures that individuals are not held beyond their release date solely on the basis of a federal immigration detainer without a judicial warrant, and restricts the sharing of personal information with federal authorities unless required by state or federal law.

Outside of 287(g) agreements that formally deputize local law enforcement as ICE agents, local law enforcement and jails can still notify or hold and transfer individuals to ICE. Currently 23 of 24 Maryland counties informally assist ICE in this way. In 2025, over four times 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.<sup>1</sup>

The Community Trust Act is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

- Nearly 1 in 3 (29%) of the more than 3,300 Marylanders arrested by ICE in 2025 were transferred from local jails and other lock-ups<sup>2</sup>. 82% of these transfers were non-287(g) related.
- Most people in local jails have not been convicted of any crime at all, and many are accused only of low-level offenses like trespassing or disorderly conduct.
- Nationally, over 80% of people held in jails have not been convicted.<sup>3</sup> They have only been accused, not proven guilty of any crime, and many ultimately are found not guilty or have their charges dismissed. This means local jails are voluntarily holding and helping transfer innocent people to ICE. This practice not only undermines the presumption of innocence, but also harms

public safety by eroding trust and discouraging community members from engaging with local law enforcement.

- When local law enforcement aids ICE, ICE agents are freed up to perform even more community arrests, bringing more of ICE's violence into the streets.<sup>4</sup>

Immigration detainers, or "holds," are a key tool federal authorities use to drag local law enforcement agencies into civil immigration enforcement efforts. A detainer isn't signed by a judge and is simply an ICE administrative document requesting localities to notify ICE before an individual is released from jail and hold them up to an additional 48 hours at state or local expense. The Attorney General and extensive case law have found that honoring ICE detainers without a judicial warrant is illegal and could lead to civil lawsuits.

Immigration enforcement is a federal responsibility, funded by federal tax dollars. When Maryland jurisdictions voluntarily assist in these operations, they divert local personnel, time, and taxpayer funds away from local priorities. Senate Bill 791 ensures that Marylanders' tax dollars are spent on Maryland's needs—such as community policing, education, and infrastructure—rather than on the administrative tasks of a federal agency.

Marylanders benefit from state policies that make our state a welcoming place for immigrants. Just over 1 million immigrants reside in Maryland, working sectors across our state's economy<sup>5</sup>. About 36 percent of Main Street business owners in Maryland are immigrants, operating storefront shops that help keep downtown areas vibrant. About 21 percent of Maryland's workers are immigrants including 33 percent of child care workers, 29 percent of registered nurses and 27 percent of software developers. Immigrant workers and business owners generate \$85 billion of economic output in Maryland. In fact, when immigrants move to Maryland the economy grows and this doesn't mean fewer jobs, it means more jobs, more consumers, more workers and more business owners.

### **Economic Impact of Immigration Enforcement**

When local law enforcement and correctional facilities act as agents of federal immigration authorities, it creates a "chilling effect" that ripples through our economy:

- **Reduced Workforce Participation:** Fear of detention prevents immigrant workers—who contribute billions to Maryland's GDP—from safely commuting to jobs or seeking employment.
- **Barriers to Essential Services:** Families often avoid seeking healthcare, enrolling children in school, or accessing earned benefits, leading to long-term costs in public health and crisis interventions.
- **Erosion of Consumer Confidence:** When community members fear public interaction, local businesses suffer from reduced foot traffic and spending

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

### **The Maryland Center on Economic Policy urges the committee to provide a favorable report on Senate Bill 791.**

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<sup>1</sup> Prison Policy Initiative analysis of ICE data retrieved thru FOIA by the Deportation Data Project

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<sup>2</sup> Based on ICE data retrieved through FOIA and analyzed by Prison Policy Initiative: “New ICE arrest data show the power of state and local governments to curtail mass deportations.” <https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/#:~:text=They%20are%20heavily%20reliant%20on,into%20the%20hands%20of%20ICE.>

<sup>3</sup> Ibid

<sup>4</sup> See chart in written testimony of Stephanie Wolf, the Immigration Services Director for Maryland’s OPD, submitted to JPR for SB 245, 1/22/26.

<sup>5</sup> Immigration Research Institute, Immigrants Are A Vital Part of Maryland’s Future.

**SB 791.pdf**

Uploaded by: karen Christof

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB 791 – Correctional Services and Public Safety –  
Immigration Enforcement – Prohibitions (Community Trust  
Act)**

**Judicial Proceedings Committee  
February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and  
Members of the Committee,

My name is Karen Christof, and I live in Frederick MD. I am  
writing in support of **SB 791 – Correctional Services and  
Public Safety – Immigration Enforcement – Prohibitions  
(Community Trust Act)**.

I strongly support this bill because it simply requires, of law  
enforcement, what is expected under our constitution—a judicial  
warrant before anyone is held for ICE. It also stops local officers  
from proactively contacting ICE about people in their custody.

This bill, in no way, prevents the federal government from  
enforcing immigration laws, but it does ensure that Maryland is  
not doing the work of ICE. And rogue sheriffs in Maryland should  
not be allowed to work around this very basic requirement of the  
law.

The tactics being used by ICE are unconstitutional, wastes  
taxpayer dollars, and makes our communities less safe by  
eroding trust between residents and law enforcement. It must  
stop.

For these reasons, I respectfully urge the committee to issue a  
**favorable report on SB791/HB1575.**

Thank you for your time and consideration.

Karen Christof  
pburgirl@comcast.net

# **SB791.pdf**

Uploaded by: Karen Del Giudice

Position: FAV

**Testimony on Senate Bill 791 –**

**Favorable**

**SB 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)  
Judicial Proceedings Committee  
February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Karen Del Giudice, and I reside in Frederick, Maryland. I am writing to express my support for **SB 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**.

I uphold the Constitution of the United States and the Rule of Law. However, I am deeply concerned that our laws are being disregarded by Immigration and Customs Enforcement (ICE) agents. Our communities are being endangered, and our neighbors' families are being torn apart. Furthermore, ICE operates without legal warrants, which raises serious questions about our complicity in their illegal and inhumane activities. Our local and state police forces, who are well-trained and respected, are also being placed in a position of illegal and cruel complicity as long as Maryland law enforcement is permitted to informally collaborate with ICE/CBP.

Therefore, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,  
Karen Del Giudice  
5527 Jefferson Blvd  
Frederick, MD 21703  
Figgy4@me.com

# **Testimony on Senate Bill 791 (1).pdf**

Uploaded by: Karen Murphy-Keddell

Position: FAV

**Testimony on House Bill 1575 – Favorable**

**SB791 – Correctional Services and Public Safety - Immigration Enforcement –  
Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

February 21, 2026

Dear Honorable Chair William C. Smith, Jr., Vice Chair Waldstreicher, Senator Lam and Committee Members

My name is Karen Murphy-Keddell, and I am a resident of Howard County, Maryland. **I am writing in support of SB791 – the Community Trust Act.** As a Unitarian Universalist, my faith calls me to affirm the inherent worth and dignity of every person and to act with compassion and justice in human relations. Supporting this bill aligns with those values by protecting human rights, fostering trust in our communities, and upholding the moral principle that no one should be treated unfairly or inhumanely.

I support HB1575 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

News reports have revealed the violence and chaos perpetrated by ICE agents against people in our country, including in our home state of Maryland. This not only creates fear in our communities, causing families to stop accessing food banks and medical care but also makes them question whether it's safe to send their children to school

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

This is not a radical bill; it will help improve safety and restore trust and fairness in our communities. For these reasons, I respectfully urge the committee to issue a favorable report on SB791/HB1575.

Thank you for your time and consideration.

Sincerely,

Karen Murphy-Keddell, kmkeddell@gmail.com, Howard County, Maryland

# **NASW Maryland - 2026 SB 791 FAV - Community Trust**

Uploaded by: Karessa Proctor

Position: FAV



**Senate Judicial Proceedings Committee**

**February 25, 2026**

**SB 791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

Position: SUPPORT

Dear Chair and Members of the Committee,

On behalf of 2,600 active members of the National Association of Social Workers – Maryland Chapter (NASW-MD), we respectfully urge a favorable report on SB 791, the Community Trust Act.

Social workers serve individuals and families in schools, hospitals, behavioral health clinics, child welfare, community organizations, and correctional settings across Maryland. Our work depends on trust. Clients must feel safe seeking help for domestic violence, mental health needs, substance use, housing instability, and other crises. When individuals fear that interaction with local systems could expose them or their family members to immigration enforcement, they are far less likely to seek services, report crimes, or cooperate with public agencies.

SB 791 strengthens clear boundaries between local public safety functions and federal immigration enforcement, while preserving compliance with valid judicial warrants. This clarity is essential. When communities understand that local law enforcement and correctional agencies are focused on public safety not civil immigration enforcement trust improves. That trust leads to earlier intervention, stronger cooperation with investigations, safer families, and healthier communities.

Fear has a chilling effect. For instance, survivors of domestic violence may not call police. Parents may avoid accessing behavioral health services for their children. Individuals experiencing crisis may not seek emergency care. These outcomes harm not only immigrant communities but public safety and public health statewide.

The NASW Code of Ethics affirms the dignity and worth of every person and the importance of human relationships. Social workers are ethically obligated to create environments where people can seek help without intimidation or coercion. SB 791 supports that professional responsibility by ensuring consistent policies that promote community engagement and lawful practice.

Maryland's strength depends on communities that trust public institutions. By reinforcing that trust, SB 791 supports effective service delivery, family stability, and safer neighborhoods for all residents.

(over)



For these reasons, NASW-MD respectfully urges a favorable report on SB 791.

Thank you for your consideration

Karessa Proctor, BSW, MSW  
Executive Director  
National Association of Social Workers – Maryland Chapter

Philip Pratt, MSW, ACSW  
Board President  
National Association of Social Workers – Maryland Chapter  
Representing more than 2,600 social workers statewide

**SB791 JPR D4CC fav.pdf**

Uploaded by: Kate Sugarman

Position: FAV



**Testimony on Senate Bill 791 – Favorable**  
**SB791 – Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

Doctors for Camp Closure (D4CC) Maryland Chapter offers favorable testimony in support of **SB791 – the Community Trust Act**.

Doctors for Camp Closure is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention. We advocate for humane and just treatment for all.

The Community Trust Act is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

As health care professionals we know all too well the importance of our patients coming into hospitals and clinics for care, both when they are sick and for preventive care to keep them from getting sick. We do everything in our power to encourage our patients to come in on a regular basis, from having a friendly front desk staff, to having appropriate interpretation services and providing multi-specialty care.

Delaying care due to fear of being picked up by ICE or by local law enforcement and getting transferred to ICE for detention and deportation will mean the difference between life and death for some.

And those individuals who do end up in the custody of ICE are routinely met with medical neglect, isolation, and abuse at the hands of detention officials.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

We've seen instances where patients feared that by seeking care, they could risk detention and deportation due to interactions with law enforcement and get turned over to ICE. And so instead of seeking medical care, they stayed home, but ultimately got sicker or even died from conditions that could have been prevented or treated. And when they were contagious they also put family members at risk as well.

And we have seen first-hand the effect on families and especially children as caregivers go through the process of detention and deportation. The medical, economic, psychological, and emotional cost is severe and long-lasting. In these cases, what would have otherwise been a simple local infraction, resulted in unnecessary long-term suffering.

Also, with passage of the Trust Act, crime victims will no longer fear and face deportation if they report crimes to the police. Communities with acts like the Trust Act find that their crime rates decrease since they know that by reporting crimes to the police they do not risk detention and deportation.

So, passing the Trust Act will make our communities both safer and healthier.

For these reasons, Doctors for Camp Closure urges the committee to issue a favorable report on SB791.

Sincerely,  
Kate Sugarman, MD  
Doctors for Camp Closure co leader  
Potomac MD

# **Testimony in Support of SB791\_Blaha\_SURJ.pdf**

Uploaded by: Katherine Blaha

Position: FAV

Monday, February 23, 2026



## Showing Up for Racial Justice

Dear Members of the Judicial Proceedings Committee,

I am submitting this testimony as a member of Showing Up for Racial Justice (SURJ) Baltimore, a group of individuals working to mobilize white people in a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland, an immigration advocacy and assistance organization based in Maryland. I am a resident of Baltimore City and District 41. I am testifying **in support of SB791, the Community Trust Act.**

Maryland urgently needs this bill to pass. At present, 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from abetting ICE in its lawless acts of mass terrorization, incarceration, and deportation of Marylanders.

In 2025, these informal local collaborations between our taxpayer funded local police departments and ICE were responsible for the kidnapping and handover of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. **Most of these Marylanders had no criminal convictions.** These arrangements are exploited not to keep our communities safe—to the contrary, they are extensions of the Trump administration's racist, xenophobic hate campaign against our immigrant neighbors, friends, and family members.

The Community Trust Act bars correctional officers and facilities from asking about people's immigration/citizenship status, detaining someone solely to investigate their status or based on a request to do so by the federal government, notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant. The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What this Act accomplishes is to draw a line that should exist between Maryland's law enforcement officials and federal immigration enforcement agents. Hence the Act's name: it is a crucial step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel confident that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,  
Dr. Katherine Blaha  
Baltimore, MD 21209  
Showing Up for Racial Justice (SURJ) Baltimore

**SB791\_FAV\_Dangel.pdf**

Uploaded by: Katherine Dangel

Position: FAV

## **Testimony on Senate Bill 791 – Favorable**

### **SB791– Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

#### **Senate Judicial Proceedings**

**February 23, 2026**

Dear Honorable Chair Bartlett, Vice Chair Davis, and Members of the Committee,

My name is Katherine Dangel, and I am a resident in Howard County, Maryland. I am writing in support of **SB791– the Community Trust Act**.

This bill is very important for all communities. I have family members who could be directly impacted by the unlawful detainments that we have seen of late. This bill also eliminates the possibility of racial or prejudicial biases that could impact Black and Brown communities, which are commonly detained by Ice.

I support HB1575 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

I want to eliminate the fear that many of my friends have expressed to me surrounding the possibility of losing people who are important to them. I want to eliminate my fear, that people I care about could be detained for simply being an immigrant, without any legal reason for it.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Ensuring legal reasons for deportation will solve the issues that ICE deportations have presented: the issues of racial bias and unlawful deportations.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

Katherine Dangel,

# **Community Trust Act Testimony SB791.pdf**

Uploaded by: Kathryn Parke

Position: FAV

Dear Members of the Committee,

My name is Kathryn Parke and I am a lifelong Marylander and a resident of Baltimore City. I am writing to urge you to vote for SB 0791, Community Trust Act, without amendments.

Maryland currently enables President Trump's cruel and lawless mass deportation agenda by allowing localities to voluntarily funnel immigrants into ICE custody. Entirely separate from formal 287(g) agreements, in 23 of 24 counties, local law enforcement and jails still notify or hold and transfer individuals to ICE. The Attorney General and extensive case law have found that honoring ICE administrative requests to detain individuals without a judicial warrant is illegal and could lead to civil lawsuits. Continued voluntary collusion with this ICE's paramilitary forces is a political choice that wastes Maryland taxpayer dollars and makes our communities less safe.

This informal and illegal collaboration has funneled 4 times more Marylanders – most of whom had no criminal conviction into the deportation pipeline—than under 287(g) agreements. Shockingly, 23 of 24 Maryland counties informally assist ICE in this way. Furthermore, Maryland sheriffs who currently have 287 (g) agreements have boasted that they will continue to cooperate with ICE on an informal basis, openly flouting the intent of the General Assembly. Continued voluntary collusion with this ICE's paramilitary forces is a political choice that wastes Maryland taxpayer dollars and makes our communities less safe. The Community Trust Act would affirmatively ban this practice, ceasing Maryland's complicity in the Trump administration's inhumane mass deportation agenda.

As a Maryland resident and your constituent, I do not want Maryland's public safety resources used to support the Trump administration's quota-driven deportation dragnet. I call on you to close all existing loopholes that allow Maryland's law enforcement and correctional facilities to aid and abet ICE's lawlessness.

As we have seen with 287(g), local jails have quietly become essential to Trump's mass arrest and deportation campaign. I am pleased to see the legislature is on track to ban formal collaboration with ICE with the passage of HB 444/SB 245. The Community Trust Act is a critical next step to 1) affirm that correctional facilities must have a judicial warrant to detain, or prolong a person's detention, in order to transfer them to ICE; and 2) stop police and correctional officers from facilitating immigration arrests by reaching out to ICE directly with information about people who encounter law enforcement. Nothing in the legislation prevents the Federal government from enforcing immigration laws or hides any information from ICE, now the most highly funded law enforcement agency in the world.

Maryland must learn from states like New Jersey, which banned 287(g) but continued to permit informal collaboration with ICE. After leaving this loophole open, New Jersey saw a spike in arrests from local jails as well as in the streets. Ceasing collaboration with ICE in all forms reduces DHS ability to conduct their campaign of terror in our communities. Please protect as many of our immigrant neighbors as possible, and defend the rule of law, by voting a clean Community Trust Act out of committee.

Sincerely,

Kathryn Parke, 2117 Lake Montebello Terrace, Baltimore MD 2128

2/23/2026

# **SB791\_KathrynWenner\_FAV - Google Docs.pdf**

Uploaded by: Kathryn Wenner

Position: FAV

February 23, 2026

Kathryn Wenner  
10807 Pearson Street  
Kensington, MD 20895

**TESTIMONY ON SB791 - POSITION: FAVORABLE**

**Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
(Community Trust Act)**

**Judicial Proceedings Committee**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

**My name is Kathryn Wenner, and I am a resident of District 18. I am writing in support of SB791, the Community Trust Act.**

I am a retired journalist with decades of involvement in coverage from the world's most dire zones of conflict and human suffering. My awareness of the safety and cleanliness and security of my life as an American began as a 7-year-old in impoverished South Korea, where I lived a few thousand yards from children my own age in tar-paper shacks. When Vietnamese people who escaped after the fall of Saigon began arriving in large numbers in my hometown of Arlington, Virginia, I rejoiced. Years later, when the apartment buildings on my Arlington street filled with people who had fled the violence in El Salvador and Guatemala, I felt joy every day that my country was able to offer them a place to live in dignity and safety.

Montgomery County, where I have lived for 30 years, is a strong, vibrant, thriving community in large part because of all the people who live here who were not born here. That has always been the story of our nation, and it will remain so. All people, no matter where they were born or what language they speak, deserve to live in safety and without fear. But right now, federal agents are assaulting, arresting and disappearing immigrant members of our communities and those who are standing up against these federal actions.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with Immigration and Customs Enforcement: holding people who have not been convicted, only accused, past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

SB791 simply requires a judicial warrant before anyone is held for ICE, and it stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job.

As the Bible says in the Book of Deuteronomy: "Do not deprive the foreigner or the fatherless of justice."

I respectfully urge the committee to issue a **favorable report on SB791**.

**SB0791\_FAV\_Maryland Just Power Alliance.pdf**

Uploaded by: Katie Wenger

Position: FAV



## Support the Community Trust Act (SB791)

Dear Members of the Judicial Proceedings Committee,

We, the [Maryland Just Power Alliance](#) (ACT, AIM, and PATH), a multi-racial, multi-faith, nonpartisan community power organization representing tens of thousands of Maryland residents. We organize people in congregations, schools, and neighborhoods to make Maryland a better place to live and thrive.

We are asking you to support the Community Trust Act (SB791) and pass it out of your committee.

In our [listening sessions last fall with over 3,000 Maryland residents](#), we asked people, “What is keeping you and your family from thriving?” One of the top concerns raised across a diverse range of people was violations of immigrants’ rights.

The Community Trust Act would stop local and state police from collaborating with ICE by notifying ICE or transferring people into ICE custody.

This bill will close off a destructive pipeline transferring people, who may not have been charged or convicted of any crime, from police custody to ICE. It will strengthen communities’ trust in local and state law enforcement by keeping them focused on public safety rather than immigration enforcement.

We are counting on you to pass a clean version of this bill out of your committee. Thank you in advance for your support.

Sincerely,

**The Maryland Just Power Alliance**

# **SB 791 Favorable Testimony 2-23-26.pdf**

Uploaded by: Kelly Hodge-Williams

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services & Public Safety –  
Immigration Enforcement – Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 23, 2026**

Dear Senator Smith, Senator Waldstreicher, and Members of the Committee,

I strongly urge you to pass SB791, the Community Trust Act, to end state and local collaboration with ICE and protect the safety, rights, and dignity of Maryland residents. Immigration enforcement is a federal responsibility, yet Maryland's local law enforcement agencies are being drawn into a deportation pipeline through voluntary collaboration that is costly, unnecessary, and harmful to public trust.

In 2025, the vast majority of Marylanders transferred to ICE custody came through informal local collaboration, not formal programs, and most had NO criminal convictions. Many individuals in local jails are legally presumed innocent, yet they are being funneled into federal detention simply because local systems choose to notify or hold them for ICE. This undermines due process, erodes the presumption of innocence, and discourages immigrant families from engaging with law enforcement when they need help, making all of our communities less safe.

The Community Trust Act provides a clear, lawful boundary: requiring a judicial warrant before anyone is detained for ICE and prohibiting local officials from facilitating civil immigration enforcement. It does not prevent the federal government from enforcing immigration laws, nor does it block information-sharing already available through federal databases. Instead, it ensures that Maryland is not using local taxpayer dollars to support unconstitutional detentions or federal overreach.

Maryland has no legal obligation to assist ICE. Continuing to do so is a policy choice that exposes local jurisdictions to legal risk, strains limited resources and weakens community trust in public safety institutions. By passing the Community Trust Act, Maryland can uphold the rule of law, protect constitutional rights, and ensure that local law enforcement remains focused on keeping communities safe—not acting as an arm of federal immigration enforcement.

For the safety of our communities, the integrity of our legal system, and the protection of Maryland families, I respectfully urge a favorable report on the Community Trust Act.

Sincerely,

Kelly Hodge-Williams  
5905 Charlesmead Ave, Baltimore MD 21212

# **SB791\_Kevin Shen\_fav.pdf**

Uploaded by: Kevin Shen

Position: FAV

## **Testimony on Senate Bill 791 – *Favorable***

### **SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

#### **Senate Judicial Proceedings Committee**

**February 23, 2026**

Dear Honorable Chair Bartlett, Vice Chair Davis, and Members of the Committee,

My name is Kevin Shen and I am a resident in Montgomery County, Maryland. I am writing in support of **SB791/HB1575 – the Community Trust Act**.

As a second generation immigrant, my heart breaks to see dehumanizing immigration enforcement and to see the families of my neighbors being torn apart. The more I learn, the more my heart breaks, from the gruesome details of how folks are beaten as they are detained, to the appalling conditions in detention facilities, to the families they leave behind suddenly struggling to afford groceries or rent or legal fees. These are Marylanders making our state great, and yet they are in deep pain.

I support HB1575 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This is something that Maryland can step up to do. I fear for the next years of increased ICE presence, and the state needs to step up to protect its residents. Detention can be a harrowing, traumatizing experience. It strikes fear in families and their surrounding communities, just as intended by the Trump administration.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

I implore you to step up for the people in our state, to make our communities *actually* safer, and keep families together.

For these reasons, I respectfully urge the committee to issue a favorable report on SB791/HB1575.

Thank you for your time and consideration.

Sincerely,  
Kevin Shen, Montgomery County, MD

**Written Testimony\_SB 791\_Goodhue.pdf**

Uploaded by: Kristen Goodhue

Position: FAV

Judicial Proceedings Committee (Chair: Senator William C. Smith, Jr.)

Senate Bill 791 (Community Trust Act)

Hearing: Wednesday, Feb. 25, 1:00pm

Position: Favorable

Dear Committee Members,

My name is Kristen Goodhue. I am a Roman Catholic and private citizen of Annapolis, Maryland, submitting written testimony in favor of the Community Trust Act, or Senate Bill 791. This bill would prohibit our local police and correctional officers from facilitating immigration arrests by reaching out to Immigration and Customs Enforcement (ICE) with information about someone's immigration status. I believe this bill is critical to our public safety. Collaborating with ICE in any way jeopardizes the ability of our local police to do their jobs and protect our communities.

Like many across the country, I have been horrified at the actions of ICE officers, against both citizens and noncitizens. However, even when federal immigration agents are operating properly, there are critical reasons that immigration enforcement and local law enforcement need to be kept separate. Local law enforcement depends on the trust of the community. To protect our streets, all residents—regardless of their immigration status—need to feel safe coming forward with information. Local law enforcement depends on residents to report crimes, offer witness testimony and share tips. If people are afraid of being deported for talking to local law enforcement, crimes will go unreported and dangerous criminals will be much harder to apprehend.

Last year, [ICE arrested over 3,000 Marylanders](#). Almost 1 in 3 (29%) were transferred to ICE from a local jail or other correctional facility. Many of those held in local jails have not been found guilty of any crime, and many are accused of only minor offenses like disorderly conduct or trespassing. This means potentially hundreds of innocent people in our state are being detained and deported by the federal government.

There is no legal requirement for local law enforcement to report someone's immigration status to the federal government, unless presented with a judicial warrant. Furthermore, nothing in this bill prevents federal immigration agents from doing their jobs. Anyone held in a Maryland detention facility already has their fingerprints and information uploaded to the FBI's National Crime Information Center. ICE agents can access the information in this database on their own. They do not need Maryland law enforcement to do their jobs for them, and allowing this is a waste of state tax dollars as well as a threat to public safety.

I was deeply proud to be a Marylander last week, when our governor signed the bill to end official collaborations with ICE in the form of 287(g) agreements. I hope you will take this vital

next step and end any collaborations with ICE, so our local law enforcement can continue to protect our communities the way they need to and our state can be safer for all its residents.

Thank you very much for attention and service.

Sincerely,

Kristen Goodhue

**SB791Written Testimony Submitted 02.23.2026.pdf**

Uploaded by: Laura Allison

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair, Vice Chair, and Members of the Committee,

My name is Laura Allison, and I am a resident of Lusby, Calvert County, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

I am seriously concerned that by local law enforcement acting as agents for ICE, they are not focusing on public safety as they should be. They are acting outside their scope of duty. I am not in favor of our local law enforcement supporting the unconstitutional actions. My tax dollars should not be wasted in this manner.

I support SB791 everyone deserves to feel safe interacting with local police. When communities trust law enforcement, people are more likely to report crimes, serve as witnesses, and help keep neighborhoods safe. This bill helps ensure Maryland's law enforcement focuses on public safety while protecting due process and strengthening trust in our communities.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

Laura Allison  
Lusby, MD

# **SB1791.Favorable.LauraAtwood.pdf**

Uploaded by: Laura Atwood

Position: FAV

**Testimony on Senate Bill 1791 - Favorable**  
**Correctional Services and Public Safety - Immigration Enforcement - Prohibitions**  
**(Community Trust Act)**

**Senate Judicial Proceedings Committee, hearing date 25, 2026**

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

My name is Laura Atwood, and I've lived in Silver Spring (D20) since 1999. I am writing in support of **SB1791 - the Community Trust Act**.

ICE has earned itself quite the bad reputation. Among other atrocities, ICE regularly violates laws and circumvents court orders, for example in the case of people who the U.S. courts have ruled cannot be deported to their home countries - ICE has deported to third countries which then deported them to their home countries. The U.S. government has not publicly tracked what happens to people after they are deported, but other organizations have found numerous cases of people who were deported to torture and/or death.

Once someone is in ICE's hands, we have no control over their fate. Knowingly turning someone over is tantamount to committing legal and human rights violations ourselves.

We already have a criminal-legal system that operates within the Constitution and applies to anyone on U.S. soil. There's no real purpose for ICE to go mucking around lawlessly operating a deeply flawed and cruel shadow system.

I support HB1575 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It lets ICE do its cruel job, it just doesn't have our state and local officials do it for them.

So many of our immigrant community members fled tyrannical police states and came here seeking safety. ICE's cruelty has severely eroded their trust in law enforcement here overall, and it is in our best interest as a state to maintain a separation - so that they know that state and local police and associated parts of our justice system are legitimate.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB1791**.

Thank you for your time and consideration.

# **SB791 Testimony Third Act MD.pdf**

Uploaded by: Laura Welch

Position: FAV

SB791 – Favorable  
Laura Welch for  
Third Act Maryland  
[mayland@thirdact.org](mailto:mayland@thirdact.org)  
301-928-1624

**Testimony on Senate Bill 791 – Favorable**  
**SB791 – Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

**Third Act Maryland** offers favorable testimony in support of **SB 791 – the Community Trust Act**.

I'm Laura Welch and I serve on the steering committee for Third Act Maryland, which is the state chapter of a national organization mobilizing seniors for climate and democracy. Nationally Third Act has 100,000 members, with 4000+ here in Maryland. We see a well-functioning democracy as essential to halting climate change. One essential way to protect our democracy is to ensure everyone in the country has due process afforded to them.

The Community Trust Act is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. A judicial warrant is already required to enter someone's home or a private area of a building. Such a warrant does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

I live in Takoma Park and my kids attended Blair High School. Blair is celebrated for its diversity, and for being welcoming to new immigrants. I've seen how immigrants enrich our community by starting local businesses, joining the PTA, sponsoring athletic teams, and so many other ways of building community. If one of my neighbors were to end up in jail for any reason, I would want him/her to be afforded due process and be protected from unnecessary ICE action.

For these reasons, Third Act Maryland urges the committee to issue a favorable report on SB791.

# **Testimony for SB791 FAVORABLE.pdf**

Uploaded by: Laurie Liskin

Position: FAV



## **Testimony on Senate Bill 791 – Favorable**

### **SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

#### **Senate Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

IndivisibleHoCoMD offers favorable testimony in support of **SB791 – the Community Trust Act**.

Established in 2017 as part of the national Indivisible movement, IndivisibleHoCoMD has more than 1,700 members focused on making our state safe, equitable, and welcoming for all residents. There are 49 Indivisible chapters in Maryland and over 2,500 nationwide.

Maryland has just banned 287g agreements throughout the state. But Maryland law enforcement agents can still carry out federal immigration policy. Local jails and police can voluntarily hold and transfer individuals, many without criminal records, to ICE without a judicial warrant.

SB791, the Community Trust Act, will stop this practice. The bill prohibits local officers from holding anyone in custody for ICE without a judicial warrant. The bill also prohibits local officers from asking about a person's immigration status and country of origin or detaining a person for the purpose of immigration detention.

SB791 does not prevent the federal government from enforcing immigration laws or executing a judicial warrant. It does not prevent Maryland police from arresting and charging someone who has committed a crime. It does not prevent police from doing their jobs. It does ensure that Maryland law enforcement is focusing on keeping our communities safe, not on doing ICE's job for them. SB791 will restore community trust in the police.

For these reasons, IndivisibleHoCoMD urges the committee to issue a **favorable report on SB791**.

Sincerely,

Laurie Liskin, Co-Facilitator, Immigration Action Team  
IndivisibleHoCoMD  
4642 Smokey Wreath Way, Ellicott City, MD 21042

**SB791 - Community Trust Act(1).docx.pdf**

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. I am a resident of **District 46, and I am testifying in support of SB791, the Community Trust Act.**



**Showing Up for Racial Justice**

Maryland urgently needs this bill to pass, because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,

**Lindsay Keipper**

**2425 Fleet St.**

**Baltimore, MD**

Showing Up for Racial Justice Baltimore

# **Testimony for SB0791 - LG.pdf**

Uploaded by: Linnie Girdner

Position: FAV

Dear Honorable Chair Smith, Vice-Chair Waldstreicher and Members of the Committee,

My name is Linda Girdner and I live in Gambrills, MD. I am writing to urge you to support **SB0791 Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**.

Most people in local jails have not been convicted of any crime. They are innocent until proven guilty in a court of law, not in the eyes of any law enforcement officer. Keep in mind that coming into the country without proper papers is not a crime. It is a civil offense. Local police should not be allowed to hand people who have had no day in court over to ICE. And to detain them for minor offenses so that they can hand them over is truly unconscionable. These are not the “worst of the worst” for having a cracked tail light or some other misdemeanor.

This practice not only undermines the presumption of innocence but also harms public safety by eroding trust and discouraging community members from engaging with local law enforcement. The residents of Maryland depend on you, as our elected representatives in the General Assembly, to rein in law enforcement when they have gone beyond their legally prescribed duties to keep Marylanders safe and instead cooperate to undermine basic Constitutional rights.

The Community Trust Act legislation would affirmatively ban correctional facilities from detaining, or prolonging the detention of, people based on suspicion that an individual may have violated civil immigration laws. It would also ban correctional facilities and law enforcement from notifying federal immigration authorities that an individual is in custody without a subpoena or judicial order and prohibit the transfer of individuals to ICE from state correctional facilities unless presented with a criminal warrant signed by a federal judge.

We have seen how federal law enforcement, such as ICE and CPB, have violated people’s rights. Let’s not let that be a slippery slope for our law enforcement officers throughout Maryland communities. Therefore, I ask that you support **SB0791 The Community Trust Act** in committee and on the floor.

Thank you for your consideration.

Linda Girdner

Member,

Showing Up for Racial Justice Annapolis and Anne Arundel County

# Testimony SB791.pdf

Uploaded by: Lisa Siano

Position: FAV

Hello. My name is Lisa Siano. I live in Columbia MD

I support **SB791** because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

# **Community Trust Act - SB0791.pdf**

Uploaded by: Lisa Sullivan

Position: FAV

**Testimony on Senate Bill 0791 – Favorable**  
**SB0791 – Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Senate Judiciary Committee**

**February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Lisa Sullivan, and I am a resident of St. Mary's County, Maryland. I am writing in support of SB0791– the Community Trust Act.

I support SB0791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement. As a retired Naval Officer, I am appalled at this overreach of government and force.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a favorable report on SB791.

Thank you for your time and consideration.

Sincerely,

Lisa Sullivan, St. Mary's County, MD

# **TESTIMONY FOR SB0791\_ Community Trust Act.pdf**

Uploaded by: Liz Enagonio

Position: FAV



**Admin Team**  
**Email: [info@ibbmd.org](mailto:info@ibbmd.org)**  
Liz Enagonio  
Jasmine Gollup  
Amy Stevens  
Carriann Petersen

### **TESTIMONY FOR SB0791**

#### **Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

**Bill Sponsor:** Senator Lam

**Committee:** Judicial Proceedings

**Organization Submitting:** Indivisible Bowie and Beyond (IBBMD)

**Person Submitting:** Liz Enagonio, co-founder

**Position:** FAVORABLE

I am submitting this testimony **in favor of SB0791** on behalf of Indivisible Bowie and Beyond (IBBMD). IBBMD is a group of several hundred grassroots activists in Bowie and surrounding areas in Prince George's County, working to bring justice, equality, and people-centric legislation to Maryland.

Across Maryland, even outside 287g agreements, local jails and law enforcement are voluntarily collaborating with Immigration and Custom Enforcement (ICE) by holding people past their release dates and notifying ICE about individuals in custody. Many of these individuals have not been convicted of any crime. This informal collaboration turns local law enforcement into an extension of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe. This has affected my own immigrant friends, who fear going out into the community even for simple errands like going to the grocery store. If they see local police vehicles of any kind, they leave the area rather than risk an encounter that could lead to deportation. By the way, this includes immigrants who are documented.

SB0791 requires a judicial warrant before an individual is held for ICE, and prevents local law enforcement from proactively contacting ICE about persons in their custody. It also shores up due process by requiring a judicial warrant. In this era when ICE is randomly snatching people off the streets and out of their cars, this bill provides a

needed backstop to prevent people being deported with not even a modicum of due process.

IBBMD supports due process for all, including immigrants of any status. We also believe that Maryland has a moral obligation not to support the random and unjust deportation of law-abiding immigrants. IBBMD urges that you support SB0791 and recommend a **FAVORABLE** report in committee.

# **SB791 Testimony.pdf**

Uploaded by: Lynda Davis

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Lynda Davis, and I am a resident of Anne Arundel County, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

Lynda Davis

# **SB791\_Community\_Trust\_Act.pdf**

Uploaded by: Lynn Yellott

Position: FAV

Testimony: Senate Bill 791 - FAVORABLE  
SB791 Correctional Services and Public Safety - Immigration Enforcement-  
Prohibitions (Community Trust Act)  
Senate Judicial Proceedings Committee

February 25, 2026

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Committee Members

The Indivisible chapter, One Million Rising Alliance at Leisure World (OMRALW) supports SB791, the Community Trust Act.

The mission of our One Million Rising Indivisible chapter is to peacefully protect Democracy and resist authoritarianism. We are an alliance of a number of resident organizations in Leisure World Maryland (Silver Spring) who are very concerned about the erosion of civil liberties and human rights.

Many of us know people who are at risk of being taken by ICE, including many of us whose children and grandchildren are adopted and fit the profiles that ICE targets. Residents of Leisure World, including the many who have become U.S. citizens, are fearful because of their accents or skin color.

The risk and fear of so many people will be reduced when SB791 is enacted. Requiring a signed judicial warrant will not interfere with the federal government's enforcement of lawful immigration laws and procedures. Rather, it will insure that local law enforcement does not collude with unlawful procedures by Federal agents. It means that if a person at risk for being identified through profiling will not be taken into custody and then turned over to ICE even when they have not committed a crime or have no criminal record. Requiring a judicial warrant reduces the risks to innocent people by insuring one of the elements of due process: a lawful warrant.

Thank you for your time and consideration of our views.

Sincerely,  
Lynn Yellott, Founding and Leader Team member, One Million Rising Alliance at  
Leisure World, Indivisible chapter.  
%15101 Interlachen Drive, 714  
Silver Spring, MD 20906

**SB0791\_MaraGreengrass\_FAV.pdf**

Uploaded by: Mara Greengrass

Position: FAV

February 25, 2026

Mara Greengrass  
Rockville, MD 20852

**TESTIMONY ON SB0791 - 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:** Mara Greengrass

**My name is Mara Greengrass. I am a resident of District 18. I am submitting this testimony in support of SB0791, Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act).**

I'm a lifelong Maryland resident, a member of Congregation Beth El of Montgomery County, and I care about everyone in Maryland, regardless of their immigration status.

Every spring, Jews around the world celebrate the holiday of Passover, which describes our mistreatment at the hands of Pharaoh and the importance of not perpetuating his misdeeds. As noted in Leviticus: "The stranger who sojourns with you shall be to you as the native among you, and you shall love him as yourself for you were strangers in the land of Egypt."

This commandment is repeated more times throughout the Torah than any other, showing its importance to the practice of Judaism. And during Passover, we also remind each other that we are not free until *everyone* is free.

I support SB0791 because law enforcement agencies across Maryland are voluntarily collaborating with ICE, including holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes money, and makes our communities less safe by eroding trust between residents and police.

SB0791 doesn't prevent law enforcement from protecting the public from actual dangers, it ensures that we are not mistreating the stranger among us for the crime of being a stranger.

Since 1864, Maryland has been known as The Free State and we should not assist the federal government in the shameful work of deporting our neighbors. **I respectfully urge this committee to return a favorable report on SB0791.**

**SB0791 written testimony final.pdf**

Uploaded by: Marcia Coe

Position: FAV

**Testimony on Senate Bill 0791 – Favorable**  
**SB0791 – Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February 25, 2026**

Dear Chair ,Vice Chair, and Members of the Committee,

My name is Dr. Marcia Coe and I am a resident of Leonardtown, Maryland. I am writing in support of **SB0791 – the Community Trust Act**.

I support SB0791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Ending this collaboration would improve public safety and trust in local law enforcement in our communities.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB0791**.

Thank you for your time and consideration.

Sincerely,  
**Marcia D. Coe, MD**  
**Leonardtown, Maryland**

# **Favorable Testimony on SB791.pdf**

Uploaded by: Marcia Greenberg

Position: FAV

**Testimony on SB791 – Favorable  
Community Trust Act  
Senate Judiciary Proceedings Committee  
February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstriecher, and Members of the Committee:

My name is Marcia Greenberg, and I live in Lexington Park in St Mary's County. I am writing in support of SB 791, the Community Trust Act.

I support this bill because local jails and law enforcement have been collaborating with ICE – holding people past their release dates and notifying ICE about individuals in custody. This is being done without judicial warrants. It is violating due process rights. It is wasting taxpayer dollars. And all the while, it is making us all LESS safe as it undermines trust between citizens and local law enforcement.

I have been trained as a lawyer. Back in the 1980s, we thought that both the US Constitution and our federal government were bulwarks to protect our rights. We believed that our first, fourth and fifth amendment rights were sacrosanct. In recent months, however, we have seen that the ICE and CBP agents do not care about complying with the law. We find that they are violating the rights of individuals who have not been accused of any criminal conduct – nor protected by simple due process protections.

At the same time, I live in a rural county where we count on our Sheriff and his team to keep us safe. That means that they should be spending limited financial resources and time on protecting us – not on reporting on, pursuing or tending to individuals with NO criminal record. It means that our community must be able to report potential criminal activity to help keep us safe – and not be fearful that follow-up could result in the apprehension and abduction of innocent family or neighbors.

This bill is quite simple and reasonable: It requires that federal agents obtain a judicial warrant, and that local law enforcement see such a warrant, before anyone is held for ICE. To be clear: It does NOT prevent the federal government from enforcing immigration laws – as long as the federal government respects the Constitution and due process.

For these reasons, I respectfully urge you to issue a favorable report on SB791.

Thank you,  
Marcia Greenberg  
Lexington Park, MD

**Community\_Trust\_Act\_Testimony\_SB791\_HB1575.docx.pdf**

Uploaded by: Marie FOUCHÉ

Position: FAV

# WRITTEN TESTIMONY IN SUPPORT OF THE COMMUNITY TRUST ACT

Senate Bill 791 – Senate Judicial Proceedings Committee  
House Bill 1575 – House Judiciary Committee

Correctional Services and Public Safety – Immigration Enforcement – Prohibitions

## Submitted by:

**Dr. Marie D. Bernadette Fouché, MD, MPH**  
Public Health Physician | Founder, Safe Harbor Circles  
Salisbury, Maryland

**Position: FAVORABLE**

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## DISTINGUISHED MEMBERS OF THE COMMITTEE

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My name is Dr. Marie Bernadette Fouché. I am a public health physician with over twenty years of experience in epidemiology, health systems strengthening, and community-based program design. I am the founder of Safe Harbor Circles, a nonprofit serving immigrant families and individuals experiencing homelessness on Maryland's Eastern Shore.

I submit this testimony in **strong support** of the Community Trust Act (SB 791/HB 1575). I urge this Committee to pass this legislation because what is happening in our communities is not a political debate. It is a child welfare crisis. It is a public health emergency. And it is a moral test for the State of Maryland.

## THE CRISIS IN OUR SCHOOLS

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### **We cannot ignore what is happening to our children.**

In a 2026 report published by *The Baltimore Sun*, Karen McCabe, a teacher at Wicomico High School, described the reality inside our schools:

*“This is terrorizing the kids, and then not supporting them once they’ve been terrorized. People just need to know what’s happening. I’m really scared about suicides. I feel like that’s the next step. I’m watching these kids crash and burn, and some of them don’t even have family members.”*

Karen McCabe, Teacher, Wicomico High School (The Baltimore Sun, 2026)

This is not rhetoric. This is a frontline Maryland educator sounding the alarm. And she is not alone.

Research consistently demonstrates that exposure to aggressive immigration enforcement is associated with significantly elevated rates of anxiety, depression, post-traumatic stress disorder, and suicidal ideation among immigrant-origin youth. The harm does not stop with undocumented children. It extends to U.S.-citizen children in mixed-status families who live in constant fear of parental detention or deportation.

The body of research on Adverse Childhood Experiences further confirms that household instability, parental detention, and sustained community-level fear produce cumulative, long-term consequences for mental health, educational outcomes, and physical health. Trauma compounds. **Silence compounds it further.**

## **WHY THE COMMUNITY TRUST ACT IS NECESSARY**

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When local law enforcement is entangled with federal immigration enforcement, the damage extends far beyond the individuals directly targeted. Trust collapses. Families stop calling 911. Parents withdraw children from school. Patients avoid clinics. Witnesses to crime refuse to come forward. The entire public safety and public health infrastructure of a community is undermined.

Several Maryland counties, Howard, Prince George's, Baltimore County, and Montgomery County, have already adopted local versions of trust protections. Baltimore City is poised to follow. These jurisdictions have recognized a fundamental truth: **cooperation with ICE does not make communities safer. It makes communities silent.**

But basic protections should not depend on ZIP code. A mother in Wicomico County deserves the same assurance as a mother in Montgomery County that taking her child to school, seeking medical care, or reporting a crime will not result in her family being torn apart. The Community Trust Act establishes the statewide floor that Maryland's immigrant families urgently need.

## **THE PATCHWORK PROBLEM: WHY STATEWIDE ACTION IS REQUIRED**

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The absence of statewide protections has created a dangerous patchwork. While some counties move to protect immigrant communities, others remain silent, or worse, actively complicit.

When gag orders prevent educators and community partners from speaking openly about what they are witnessing, when local leadership normalizes fear, and when institutions fail to provide adequate support, the damage becomes systemic. This is not an abstraction. This is what is happening right now on the Eastern Shore of Maryland.

Meanwhile, Frederick County's sheriff has openly stated his intention to continue cooperating with ICE regardless of the end of 287(g). His remarks expose the reality: without this legislation, Maryland residents remain vulnerable wherever local officials choose enforcement over trust.

## **THE POWER IMBALANCE THIS LEGISLATURE MUST CONFRONT**

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What makes the current crisis even more disturbing is the power imbalance embedded in local systems across Maryland, and particularly visible in communities like Wicomico County.

In some jurisdictions, elected officials and influential actors directly profit from immigrant labor, immigrant rent payments, and immigrant-dependent businesses. Immigrant families contribute to the local economy through their work, their taxes, and their consumer spending, yet the same communities that sustain these economic structures are denied protection, dignity, and public advocacy when they are under threat.

This Legislature must ask hard questions about conflicts of interest. When those in positions of authority benefit economically from immigrant communities, whether as landlords, business owners, grant administrators, or political actors, who is ensuring accountability? Who is safeguarding ethical boundaries? Who is protecting vulnerable families from exploitation tied to power and fear?

Immigrants are good enough to pay rent. Good enough to work long hours. Good enough to strengthen the local economy. Good enough to justify grant funding and public programs. But when it comes to defending their humanity, their mental health, their children's safety: suddenly there is silence.

**You cannot profit from a community while remaining indifferent to its suffering.** Leadership requires more than economic dependence on immigrant labor: it requires the courage to defend immigrant dignity. The Community Trust Act is one concrete step this Legislature can take to ensure that courage is written into law, not left to the conscience of individual officeholders.

## **WHAT COMMUNITIES ARE BUILDING DESPITE THE SILENCE**

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In the absence of adequate institutional support, community-based organizations are stepping into the breach. Safe Harbor Circles, in partnership with organizations like Crabs on the Shore and an interfaith network of houses of worship on the Eastern Shore, is building the Peer Resilience Leaders program: a youth-led, train-the-trainers mental health initiative that will equip immigrant middle and high school youth with evidence-based stress management and peer support skills.

This program will be delivered through trusted faith-based community sites because these are the spaces where families feel safe: where they gather, where they worship, where they are known. Our interfaith partners provide the recruitment infrastructure, delivery sites, and sacred trust that no institutional partner can replicate.

But community-based organizations cannot substitute for state policy. The Community Trust Act would do what no grant, no nonprofit, and no church can do alone: **it would tell**

**every immigrant family in Maryland that their state government refuses to be a tool of their deportation.**

## **THE ASK**

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I respectfully urge this Committee to issue a **favorable report** on the Community Trust Act.

If other Maryland counties can take visible, protective steps to support immigrant students and families, then this Legislature must demand the same level of courage and responsibility statewide. Our children's mental health, and in some cases, their lives, depend on it.

**The real question before this Committee is not whether immigrants contribute. They do. The question is whether those who benefit from them, at every level of government, are willing to recognize and protect their full humanity.**

I urge you to answer that question with this bill.

Respectfully submitted,

**Dr. Marie D. Bernadette Fouché, MD, MPH**

Founder, Safe Harbor Circles

Salisbury, Maryland

[Phone]

[Email]

# **Community Trust HB1575.pdf**

Uploaded by: Mary McDougal

Position: FAV

**Testimony on House Bill 1575 – Favorable HB1575 – (Community Trust Act)**  
**House Judiciary Committee**

Dear Honorable Chair Bartlett, Vice Chair Davis, and Members of the Committee,

My name is **Mary** and I am a **resident of Leonardtown**, Maryland. I am writing in support of **HB1575 – the Community Trust Act**.

I support HB1575 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

**ALL PEOPLE ARE HUMANS AND SHOULD BE TREATED THAT WAY.**

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Sincerely,

**Mary**

**your community.]**

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791/HB1575**.

Thank you for your time and consideration.

# **SB0791 - Correctional Services and Public Safety -**

Uploaded by: Maryland Legislative Latino Caucus

Position: FAV



## MARYLAND LEGISLATIVE LATINO CAUCUS

Lowe House Office Building, 6 Bladen Street, Room 200 · Annapolis, Maryland 21401  
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ASHANTI MARTINEZ, CHAIR  
GABRIEL ACEVERO, VICE-CHAIR  
DENI TAVERAS, TREASURER  
JOE VOGEL, SECRETARY  
JASON A. AVILA GARCIA, EXECUTIVE DIRECTOR

TO: Senator Willam C. Smith Jr, Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee Members  
FROM: Maryland Legislative Latino Caucus  
DATE: 2/25/2026  
RE: SB0791 - Correctional Services and Public Safety -  
Immigration Enforcement - Prohibitions

### **The MLLC support SB0791 - Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act) - Appointment of Personal Representatives**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB0791.

Maryland is home to nearly 700,000 Latino residents, a significant portion of whom live in mixed-status households.<sup>1</sup> This means that even U.S. citizens and lawful permanent residents are directly affected when fear of immigration enforcement disrupts daily life. That fear is not abstract. When immigrants believe that a routine traffic stop, a call to 911, or an encounter with a corrections officer could lead to detention or deportation, they avoid contact with law enforcement altogether. Victims of domestic violence stay silent.<sup>2</sup> Witnesses to crimes do not come forward. Communities become less safe for everyone.

HB 1575 directly addresses this crisis of trust. By prohibiting correctional and law enforcement personnel from conducting immigration inquiries, prolonging detentions based on civil immigration status, or notifying federal authorities absent a valid judicial warrant or court order, this bill establishes a clear, enforceable boundary between local public safety functions and federal immigration enforcement. Critically, it does not prevent officers from performing their core duties and so criminal investigations and routine booking procedures remain fully intact.

The bill's provision allowing individuals to seek actual damages, punitive damages, and injunctive relief is equally important. The inclusion of a private right of action, allowing individuals to seek actual damages, punitive damages, and injunctive relief, ensures that these prohibitions carry real consequences. Without enforcement mechanisms, statutory protections risk becoming aspirational rather than operational.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on SB0791.

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<sup>1</sup> [U.S. Census: Maryland](#)

<sup>2</sup> [How ICE Is Making It Harder for Immigrants to Escape Domestic Violence](#)

**HB1575\_SB791.docx.pdf**

Uploaded by: Melody Hession

Position: FAV



**Delaware-Maryland Synod**  
**Evangelical Lutheran Church in America**

Testimony Prepared for the  
Judicial Proceedings Committee  
on  
**Senate Bill 0791**  
February 23, 2026  
Position: Favorable

Chair and members of the Committee, thank you for the opportunity to testify. I am Reverend Melody Hession-Sigmon, assistant to the bishop for public policy in the Delaware-Maryland Synod of the EvangeliCal Lutheran Church in America, a faith community with congregations in every part of the state.

We are strong supporters of **Senate Bill 791**, and we think that it is the logical next step after the General Assembly and the Executive signed into law the emergency bill banning 287(g) agreements in the State of Maryland.

Our global communion has addressed human movement since 1939 when the entire planet was awash in refugees with our international organization, Global Refuge, at 700 Light Street in Baltimore. This organization assists and sponsors those without a permanent home, wherever they may be from, to wherever they may come to reside. We have learned much about human movement as a result of our global work. Most people categorized as refugees are fleeing for their lives from famine, natural disaster, war, social collapse, extreme poverty, or targeted persecution. They are neither threats because they are refugees, nor criminals because they are fleeing.

The experience of Global Refuge does not align with the response we are seeing coming out of the federal government, and we are inclined to look towards our church's social teaching published in 1998 on immigration in order to inform our response and our position on **Senate Bill 791**.

In 1998, our church prophetically urged that, "The existence of a permanent sub-group of people who live without recourse to effective legal protection opens the door for their massive abuse and exploitation and harms the common good. We urge leaders and citizens to seek feasible responses to this situation that offer flexible and humane ways for undocumented persons who have been in this country for a specified amount of time to be able to adjust their legal status." We



**Delaware-Maryland Synod**  
**Evangelical Lutheran Church in America**

are seeing that massive abuse and exploitation that is harming the common good coming from the federal agents being deployed in our communities today.

The policies coming out of the federal government are hostile and racist towards Maryland's migrant and refugee communities, offering simplistic solutions that do great harm to families and community trust towards their local law enforcement, who have pledged to serve and protect. We believe, like the founding fathers, that protections like due process are meant for *all people*, not just US Citizens.

“Our advocacy will continue to insist that family reunification should be the primary objective of immigration laws.” (1998) We oppose federal policies that show no regard for our valuable Maryland families and their integral connection to the support systems of our communities.

Principles published by the Lutheran Council of the United States in 1969 continue to guide our ministries working with migrants and refugees today, such as advocating for fair and just immigration laws, “by assuming the United States’ proper share of international responsibility for the resettlement of refugees and other persons urgently in need of the compassionate haven of a new home land.” We oppose county complicity in federal immigration policy that takes no international responsibility for compassionate welcome of refugees.

Our national church has called our congregations to welcome *all* people, regardless of immigration status. We believe that *all* of us in the Church of Jesus Christ are sojourners, “for here we have no lasting city, but we are looking for the city that is to come” (Hebrews 13: 14) We particularly abhor federal policies keeping children inside detention centers that have been accused by groups like Human Rights Watch of breaking international human rights violations due to poor living conditions. When it comes to children, “whatever their status, they should be seen first and foremost as children and youth in need of protection and care.” (1998)

Obtaining papers for lawful presence in the United States is first a federal authority, and therefore responsibility. The national processes for lawful presence in the U.S. are still arduous, lengthy, and legal, and none of it is in the purview of county policy. We urge a favorable report for **SB 791**.

Reverend Melody Hession-Sigmon

**SB0791\_MichelleFeit\_FAV.pdf**

Uploaded by: Michelle Feit

Position: FAV

Wednesday, February 25, 2026

Michelle Feit  
Silver Spring, MD 20901

**TESTIMONY ON SB0791 - 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:** Michelle Feit

My name is Michelle Feit, and I am a resident of District 20 in the Montgomery Knolls neighborhood of Silver Spring. **I am submitting this testimony in support of SB0791, Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act).**

I would like to thank the Chair, my District 20 Senator Will Smith, and congratulate the entire committee on the recent victory of banning 287(g) agreements in Maryland.

I grew up in Columbia and attended the University of Maryland for both undergraduate and graduate school, and after living in the District of Columbia for several years I am thrilled that my husband and I have found such a wonderful community in Silver Spring in which to put down roots and raise our almost 2-year-old child. But the biggest threat to our community right now is ICE. They are terrorizing immigrant Marylanders, particularly in our neighborhood, which has become one of the most targeted areas in the state for ICE enforcement. It often feels helpless watching ICE abduct our neighbors and community members, so it is imperative that our state legislature takes whatever actions are within our control to protect our community members.

The Community Trust Act is a critical next step for the legislature to take after banning 287(g) agreements. Even without these agreements in place, local jails and law enforcement across Maryland are still voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. As such, **I respectfully urge this committee to return a favorable report on SB0791.**

# **SB0791 Correctional Services and Public Safety-Immi**

Uploaded by: Miner Brown

Position: FAV

**SB 0791**

**Miner L. Moe) Brown**

**FAVORABLE**

**Title: Correctional Services and Public Safety- Immigrant Enforcement-  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee: Chair: Will Smith & Vice Chair-Jeff Waldstreicher  
Sponsored by Senator Clarence K. Lam**

**This testimony is written in strong support of Senate Bill 0791 (Correctional Services and Public Safety-Immigration Enforcement-Prohibitions).**

I am a 37-year resident of MD and District 11B, and a 2<sup>nd</sup> and 3<sup>rd</sup> generation born citizen. I am a husband, parent, grandparent, great-grandparent, Eagle Scout & Silver Beaver Awardee, an original WE ARE CASA Ally, an active member of the Social Justice Action Committee at our local congregation, a long-time naturalist guide at Irvine Nature Center, a past Red Hat volunteer for Habitat for Humanity (9+ years), and an AARP Driver Safety Education Instructor.

I personally thank JPC Chair Will Smith and Senator Lam in recognizing the threat to our democracy and our way of life by taking efforts to protect our immigrant friends and neighbors, and us through this critical period in the life of our State and country.

It is now imperative that a line be drawn between our community & state law enforcement officials and federal immigration enforcement agents. Current events have made such coordination unsustainable. **Informal law enforcement collaboration with ICE agents must stop!!** Our immigrant community members are hard-working, dependable, law abiding, contributing tax payers, and business owners. In short, they are an integral part of the fabric of the strength of Maryland. We must do everything in our legal power that will affirmatively ensure that Maryland **NOT** help Trump i.e. ICE funnel our immigrant friends and neighbors into the deportation pipeline.

**Illegally holding individuals past their scheduled release from local jails for minor misdemeanors is morally unacceptable and just wrong. Extensive case law and our Attorney General have found that honoring ICE detainers without a judicial warrant is illegal and could lead to civil lawsuits.**

It is unfortunate but now necessary to take such legal steps to put in place such measures to help save our country from rapidly moving toward an Autocratic government by **approving SB0791.**

**SB 791 ORG Fav Neka.pdf**

Uploaded by: Neka Duckett-Randolph

Position: FAV



OUT FOR JUSTICE

**Testimony on Senate Bill 791 – Favorable**

**SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Neka Duckett-Randolph, and I am a proud native Chicagoan and current Baltimore City resident. I am the Membership, Advocacy, and Strategic Partnerships Coordinator at Out For Justice, a member-led criminal justice reform organization with the mission to engage, educate, and empower individuals impacted by the legal system to build collective power for dismantling systemic oppression and harmful policies. We strive to humanize marginalized communities, prevent criminalization, reduce recidivism and promote second chances and successful reintegration through advocacy, education and supportive programming. **Out For Justice** offers favorable testimony in support of **SB791 – the Community Trust Act**.

The Community Trust Act is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

Across the country, we are witnessing rising federal immigration enforcement activity, expanded coordination requests to local jurisdictions, and heightened fear in our communities. When families fear that a traffic stop, a call for help, or a court appearance could lead to detention or deportation, they are less likely to report crimes, cooperate with investigations, or seek protection from violence. That fear does not make any community safer.

**Black and immigrant communities share a long history of disproportionate police contact, pretextual stops, and surveillance. Data consistently show racial disparities in traffic stops, searches, arrests, and use of force.** When local law enforcement collaborates with federal immigration authorities, those same racialized patterns can funnel individuals into deportation proceedings – often for minor offenses or mere contact with the system.

**For justice-impacted Black communities, we know firsthand that overreliance on enforcement does not create safety.** For immigrant communities, the stakes are even higher: a single arrest – even without conviction – can trigger detention, family separation, and permanent exile.

**The Maryland Trust Act promotes a public safety model rooted in community trust. By limiting unnecessary entanglement between local agencies and federal immigration enforcement, the bill ensures that local law enforcement resources remain focused on genuine public safety priorities rather than civil immigration matters.** This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

**We at Out for Justice stand in solidarity with immigrant justice organizations across Maryland because our communities are bound together by shared experiences with over-policing, racial profiling, and system involvement. The same systems that have disproportionately criminalized Black communities have increasingly entangled immigrant communities through collaboration between local law enforcement and federal immigration authorities.**

For these reasons, Out For Justice urges the committee to issue a favorable report on SB791.

**MoCo IRC\_SB791\_FAV.pdf**

Uploaded by: Nicole Rios

Position: FAV



**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration  
Enforcement - Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

We are writing to urge you to issue a favorable report on Senate Bill 791.

Montgomery County Immigrant Rights Collective (MoCo IRC) submits this testimony in support of the Community Trust Act, a critical next step after banning 287(g) agreements by closing loopholes of informal collaboration between local law enforcement and ICE.

Our coalition works directly with impacted Maryland families and operates in collaboration with immigration attorneys, organizers, and community allies across the DMV region. We help connect families impacted by immigration detention or deportation with legal resources, financial aid, and community support. Our position is informed by firsthand experience responding to the harms these facilities cause, which are predictable and preventable.

We support SB 791 because, despite the end of formal 287(g) agreements, local jails and law enforcement agencies across Maryland continue to voluntarily collaborate with ICE. Individuals are being notified on, held for, and transferred to ICE without a judicial warrant. These practices raise serious constitutional concerns, waste taxpayer dollars, and undermine public safety by eroding trust between law enforcement and the communities they serve.

From a public safety perspective, informal collaboration with ICE deters community members from seeking help when they need it most. One of our educators described how families are afraid to call MCPD, leading to crimes going unreported. In some neighborhoods, families have stopped visiting local parks due to concerns about loitering, public intoxication, and inappropriate behavior, yet they are fearful of reporting these incidents. After violent incidents in and around school communities, parents are living in constant fear, afraid to leave their homes, afraid to walk across the street, afraid to drive to medical or dental appointments. For many, seeking help has become a risk calculation.

This fear is not abstract. ICE agents have used elementary school parking lots as staging areas for enforcement operations, further destabilizing trust and spreading panic throughout school communities.

SB 791 is a measured and reasonable policy. It requires a judicial warrant before an individual can be held for ICE and prohibits local officers from proactively contacting ICE about individuals

in their custody. It does not prevent the federal government from enforcing immigration laws. Rather, it ensures that Maryland resources are not used to carry out federal civil immigration enforcement and that constitutional standards are upheld.

From an economic perspective, collaboration with immigration detention systems harms local communities in concrete and measurable ways. These enforcement practices drive immigrant-owned businesses, many of which have operated in Maryland for generations, to scale back, relocate, or close entirely. When businesses shut their doors or leave the state, Maryland loses sales tax revenue, payroll tax contributions, commercial rent stability, and local employment opportunities. Workers lose jobs, storefront vacancies increase, and neighborhood commercial corridors decline.

One of our community members, a small business owner, shared the following:

*"I contribute from sales tax revenue through my businesses and payroll taxes from people I employ. What kind of financial burden has someone like me, an immigrant who was once an undocumented child, placed on the American economy? Everything that this country gave my family when we first arrived has been paid back a **hundredfold**. We were grateful to live in peace, free from violence and fear. But I don't feel like that anymore. I am being told that I am not welcome here. That my money, my taxes, and financial contributions are no longer valued.*

*How many others like me are being cut off from the opportunity to contribute back to this country? How many young lives are you stopping from flourishing by allowing the lawlessness of ICE as it operates today, as a paramilitary group like the one that left my country of origin in ashes? Allowing this agency to continue to operate in this format is burdening small business owners and immigrant-owned enterprises in particular. **Sales have dropped 30-50% on top of an already struggling economy.** What will the state of Maryland do without the millions of dollars businesses like mine contribute annually? By not supporting this legislation, you are cutting off a significant source of revenue to our state! Opponents will say that by supporting these types of laws, we are cutting off funds from our federal government. So what kind of leadership does our state have if we have to depend solely on federal dollars and diminish the labor and contribution of its residents?"*

Policies that entangle local law enforcement with immigration enforcement destabilize families, reduce economic participation, and weaken public safety. Maryland should not have to choose between constitutional governance and fiscal stability. HB1575 affirms both. We must do everything in our power to stop this ongoing harm to our families, our businesses, and our communities.

We respectfully urge you to support SB 791 and to affirm Maryland's commitment to public health, community safety, and dignity for all. Thank you for your consideration.

Sincerely,

Montgomery County Immigrant Rights Collective

**SB 791 Community Trust PJC FAV.pdf**

Uploaded by: Nicole Tortoriello

Position: FAV



Nicole Tortoriello, Managing Attorney  
Workplace Justice Project  
Public Justice Center  
201 North Charles Street, Suite 1200  
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**SB 791 – Correctional Services and Public Safety – Immigration Enforcement– Prohibitions  
(Community Trust Act)**

**Hearing before the Senate Judicial Proceedings Committee on Jan. 25, 2026**

**Position: FAVORABLE**

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The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty law firm which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC provides advice and representation to clients with low-income, advocates before legislatures and government agencies, and collaborates with community and advocacy organizations; we actively incorporate anti-racism and racial equity goals into our advocacy work. Our organization frequently represents and partners with immigrants and immigrant communities impacted by this legislation. For example, we represent immigrant clients in eviction cases and cases seeking to hold their landlord accountable for dangerous conditions of disrepair. We represent immigrant workers whose employers are paying less than minimum wage, denying overtime benefits, or unlawfully classifying them as contractors. We also represent the children of immigrants who have been unfairly excluded from educational opportunities and immigrant residents who have been wrongfully denied public benefits.

**Public Justice Center strongly supports SB 791, the Community Trust Act.** At its core, SB 791 is about upholding Maryland’s values - fairness, dignity, and justice for all. This bill affirms that our state should not be in the business of tearing families apart, undermining public trust, or diverting state and local resources into federal immigration enforcement. Instead, Maryland should remain focused on community safety, due process, and equal treatment under the law by prohibiting law enforcement and corrections cooperation with federal immigration enforcement absent a legal requirement or court order.

**ICE activities are having a cruel and inhumane impact on our clients – compromising public safety, disrupting services, and creating a culture of fear and distrust among our immigrant-clients.** For example, our Housing team frequently represents tenants who need to hold their landlord accountable for dangerous housing conditions and predatory practices. Landlords of our immigrant clients have threatened repeatedly to call ICE if our clients defend against the landlord’s wrongful eviction case or seek to hold the landlord accountable for dangerous housing defects. If we cannot assure our immigrant clients that local law enforcement will not cooperate with ICE by disrupting

their right to due process under the law, our clients are less likely to attend court – in which local law enforcement officers are always present – to defend against a wrongful eviction case or to hold the landlord accountable for dangerous conditions of disrepair. When our immigrant clients do not hold their landlords accountable in court for fear of ICE enforcement, the entire community loses too. When renters do not defend court cases and are subsequently evicted, the state pays more. [Preventing eviction saves the state money by reducing homelessness and state-funded safety net costs](#) related to shelter, educating students experiencing homelessness, health care, foster care, decreased incarceration, and the economic impacts of increased employment and income stability. Additionally, when renter-immigrants are terrified of speaking up for themselves because of the potential for ICE enforcement, the whole neighborhood suffers from the blight and decay perpetuated by negligent property owners.

In our representation of immigrant-workers, our clients will be less likely to report an employer who paid them below minimum wage if they think that engage with local law enforcement could result in ICE enforcement actions. We have seen firsthand that fewer workers are willing to come forward and participate in wage theft cases because they fear drawing attention to themselves in the current climate of ICE enforcement. When one worker's rights go unenforced, it weakens the rights of all workers. Unscrupulous employers and landlords will exploit these fears to prevent workers and tenants from speaking up for their rights.

SB 791 also provides important protections for clients of the PJC's Education Stability Project, which advances equity in public education by combatting practices that disproportionately push Black and brown children, and children with disabilities, out of school. Across the country, educators and school administrators have repeatedly observed the same pattern: fear of immigration consequences leads to lower attendance rates, reduced parent engagement, and reduced reporting of safety concerns. That does not make schools safer – it makes them less able to identify and prevent harm. The threat and fear of immigration enforcement impede equitable access to school and infringes upon the fundamental right of all Maryland children to receive a public education regardless of immigration status, which is enshrined in our state constitution. SB 791 is necessary to protect that right.

Our Health and Benefits Equity Project along with our community partners have observed a significant chilling effect with immigrant clients applying for safety net services, including SNAP and Medicaid, because of increased ICE activity around the country. We advocate to protect and expand access to healthcare and safety net services for individuals and families with low incomes. We support policies and practices that are designed to eliminate economic and racial inequities and enable every Marylander to attain their highest level of health. Several of our clients who are immigrants have expressed extreme reluctance to apply for safety net services for which they or their children are eligible because they are terrified that their household's information may be obtained by ICE and used to rip their family apart. This includes immigrant birthing people who have shared with us that they are terrified to apply for Medicaid coverage for which they are eligible

through the Healthy Babies Equity Act, an important program expansion passed by the Maryland General Assembly in 2022 to ensure that birthing people, regardless of immigration status, have access to comprehensive, quality care during their pregnancy and postpartum journey and for their baby. Our immigrant client communities are carrying the immense emotional burden of choosing between their household's ability to thrive or risking their immediate physical safety. SB 791 would help ease some of the worry present in these communities by making clear that law enforcement and corrections officials cannot cooperate with federal immigration enforcement. It would also complement the incredible efforts our State has made to reduce health disparities.

Cooperation between federal immigration enforcement and state and local entities, like those that occurred under the 287(g) program, has a documented history of racial profiling, discrimination, and wrongful detention. It diverts local law enforcement away from their primary role of protecting public safety and erodes trust between law enforcement and immigrant communities. When trust is broken, community safety suffers.

Public Justice Center asks that the Committee **issue a FAVORABLE report on SB 791.**

**SB 791 - Seekers Church - Favorable.docx.pdf**

Uploaded by: Paul Holmes

Position: FAV

For Hearing: Wednesday, 2/25 at 1:00pm

**Testimony on SB 791 – Favorable  
SB 791 - Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
Community Trust Act)**

Chair Smith, Vice Chair Waldstreicher and Members of the Senate Judicial Proceedings Committee:

Seekers Church is pleased to offer a favorable testimony in strong **support of SB 791 - the Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**. This critical legislation will help ensure that all Maryland residents feel safe, valued, and welcome in our communities while upholding civil and constitutional rights.

Most members of Seekers Church are Maryland residents. Seekers Church is a diverse, progressive, and affirming Christian family of faith working for peace and justice in our community and in the world. We are committed to “foster justice and be in solidarity with those in need,” and to “work to end all war, and violence, and discord.” In furtherance of that work, Seekers Church and members have: hosted trainings and impacted-community events related to supporting immigrants; provided financial and volunteer support to immigrant-focused local NGOs; taught English; provided direct immigrant support; accompanied neighbors to immigration and court hearings; advocated for statewide legislation; and participated in rallies to support legal protections for immigrants.

Today, Maryland is still voluntarily helping fuel President Trump’s deportation machine. While Maryland recently banned formal 287(g) agreements that deputize local officers as ICE agents, local law enforcement and jails across our state can still voluntarily notify, hold, and transfer people to ICE custody. Shockingly, 23 of 24 Maryland counties engage in this informal collaboration. In 2025 alone, more than four times as many Marylanders were transferred to ICE through these informal local arrangements as through a formal 287(g) program—and most of those individuals had no criminal convictions.

This is not a matter of federal mandate. Maryland has no legal obligation to assist ICE in immigration enforcement. Immigration enforcement is a federal responsibility, and ICE is already the most highly funded law enforcement agency in the world. Continued voluntary collaboration is a political choice—one that wastes Maryland taxpayer dollars and diverts local resources away from genuine public safety priorities.

The consequences are stark. Nearly one in three of the more than 3,300 Marylanders arrested by ICE in 2025 were transferred from local jails and lock-ups. Eighty-two percent of those

transfers were unrelated to 287(g) agreements. In other words, our local facilities have quietly become a central pipeline into federal deportation custody.

We must be clear about who is being caught in this net. Most people in local jails have not been convicted of any crime. Many are accused only of low-level offenses such as trespassing or disorderly conduct. Nationally, more than 80 percent of people held in jails have not been convicted—they are presumed innocent. Yet through voluntary collaboration with ICE, local jails are helping transfer legally innocent people into immigration detention and potential deportation. This practice undermines the presumption of innocence that is foundational to our justice system.

The Community Trust Act addresses this crisis in two essential ways.

First, it affirms that correctional facilities must have a signed judicial warrant to detain or prolong a person's detention in order to transfer them to ICE. Administrative warrants from ICE are not signed by judges. No Marylander should be held in jail beyond their lawful release date based solely on an administrative warrant.

Second, the bill stops police and correctional officers from proactively facilitating immigration arrests by directly reaching out to ICE with information about people who encounter local law enforcement. Nothing in this legislation prevents the federal government from enforcing immigration laws. The Community Trust Act simply ensures that Maryland will not act as an extension of ICE's civil enforcement arm.

Public safety also demands passage of this bill. When local law enforcement aids ICE, it erodes community trust and discourages victims and witnesses from coming forward. Families become afraid to report domestic violence, wage theft, or other crimes. Meanwhile, by relying on local jails as a pipeline, ICE agents are freed up to conduct more aggressive community arrests—bringing more fear and instability into our neighborhoods. True public safety depends on cooperation and trust between residents and local law enforcement, not on turning Maryland's local officers into immigration agents.

We should also learn from the experience of other states. In New Jersey, lawmakers banned formal 287(g) agreements but left open avenues for informal collaboration. Sheriffs exploited that loophole, and ICE arrests spiked both in jails and in communities—at a significantly higher rate than in states like Illinois and Oregon that ended all voluntary collaboration. Several Maryland sheriffs have already suggested they would seek new ways to funnel individuals to ICE even if 287(g) agreements are banned. The Community Trust Act closes those loopholes and ensures that Maryland's commitment to constitutional policing is meaningful and enforceable.

At its core, this legislation draws a clear and principled line: Maryland law enforcement officers are accountable to Maryland communities, not to a federal deportation agenda. By requiring a

judicial warrant for any extended detention and ending proactive information-sharing designed to facilitate immigration arrests, this bill protects constitutional rights, safeguards taxpayer dollars, reduces legal liability, and strengthens public safety.

Maryland can choose to uphold the rule of law. The Community Trust Act ensures that our state will not help funnel our neighbors into a system of mass detention and deportation. It is a necessary and urgent step to protect families, preserve community trust, and reaffirm our commitment to constitutional principles.

For these reasons, **Seekers Church strongly urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 791.**

Submitted by Paul Holmes (D-19, Silver Spring)

For Seekers Church

**SB791\_MSEA\_Lemle\_FAV.pdf**

Uploaded by: Paul Lemle

Position: FAV

**FAVORABLE**  
**Senate Bill 791**  
**Correctional Services and Public Safety - Immigration Enforcement - Prohibitions**  
**(Community Trust Act)**

**Senate Committee on Judicial Proceedings**  
**February 25, 2026**

**Paul Lemle**  
**MSEA President**

The Maryland State Education Association supports Senate Bill 791, which prevents State and local law enforcement and correctional officers from providing information or assistance to federal immigration enforcement without a judicial warrant.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools and community colleges, teaching and supporting our almost 900,000 K-12 students so they can pursue their dreams. MSEA represents more than 44 local affiliates across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Senate Bill 791 is part of several legislative initiatives that MSEA is supporting this session to lend our voice to protect students in schools and their communities. The dangerous escalation of immigration enforcement in communities across the country is an authoritarian tactic with little regard for due process and equal protection that threatens safety, civil liberties, and democratic values across the country. Students and educators are traumatized by these actions, and communities everywhere are living under fear. We see the effects in classrooms: empty seats, disrupted learning, rising fear, and growing demand for mental health support. Students cannot learn when they are afraid for their safety or the safety of their families.

Educators have a moral and professional responsibility to keep all students safe, primarily in schools, and also to advocate for safe communities for our students and their families. We believe this is more than an immigration issue. This is a human rights issue, a civil rights issue, and a democracy issue.

MSEA adds our voice to this critical moment that requires a renewed commitment to civil rights and social justice and urges a favorable report on Senate Bill 791.

# **Paul Melmeyer - Testimony on SB791 - Maryland Sena**

Uploaded by: Paul Melmeyer

Position: FAV

February 20<sup>th</sup>, 2026

The Honorable William C. Smith Jr., Chair  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

The Honorable Jeff Waldstreicher, Vice Chair  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: Favorable Testimony on Senate Bill 791 (Correctional Services and Public Safety – Immigration Enforcement – Prohibitions [Community Trust Act])**

Dear Chair Smith and Vice Chair Waldstreicher,

Thank you for the opportunity to provide written testimony on the Senate Judicial Proceedings Committee's (the Committee's) February 25<sup>th</sup> consideration of SB 791, the Community Trust Act. My name is Paul Melmeyer, and I am a resident of Silver Spring, Maryland, and a constituent of Chair Smith's. I am writing in support of SB 791 – the Community Trust Act.

For over a year, I have watched as Immigration and Customs Enforcement (ICE) has terrorized my neighbors, snatching longstanding community members from their families and friends. I, and most of my neighbors, have been outraged, and have done as much as we can do to prevent ICE from kidnapping more of our friends and neighbors.

We expect you, our Maryland Senators, to stand up against this hate and discrimination as well. This is why I support SB 791, and I hope you will too.

I support this bill because local jails and law enforcement across Maryland are collaborating with ICE – holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, and I want Maryland to have no role in this heinous scheme.

I have actively canvassed my community, trying to ensure they know their rights if interacting with ICE and Federal law enforcement. But I have watched helplessly as ICE and their allies have broken many laws and violated the constitution, most notably forgoing judicial warrants to conduct searches and seizures.

This legislation would provide a simple fix: requiring a judicial warrant before anyone is held for ICE, and stops local officers from proactively contacting ICE about people in their custody. It does not tie the hands of the Federal government: it only ensures Maryland isn't complicit in helping them break the law.

I believe history will look back, judging the accomplices, and celebrating those who did not fall in line. For these reasons, I ask that the Committee issue a favorable recommendation.

Thank you for considering my viewpoints,

Paul Melmeyer

**SB791\_Prabu Selvam\_FAV .pdf**

Uploaded by: Prabu Selvam

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Prabu Selvam, and I am a resident of Gaithersburg, Maryland. I am writing in support of SB791 – the Community Trust Act.

My support for this bill is to guarantee residents of Maryland their due-process rights and to keep families together. The federal government has pursued a cruel and illegal campaign, exploiting federal immigration authority to actively harm our residents.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

As an ER physician, there has been a significant impact on healthcare access by immigrant communities. Especially for individuals who may be experiencing drug addiction and other life-threatening conditions that may attract law enforcement attention, they are pushed further into the shadows, creating a life-threatening situation. We are also seeing an increase in children of immigrants suffering from acute mental health crises because of the fear their families are living under.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Individuals who do not pose an imminent threat to the community should be protected from unlawful immigration enforcement so that we can keep our Maryland families together and maintain the trust that local law-enforcement depends on to keep our communities safe.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

Prabu Selvam  
Gaithersburg, MD

# **Eckel FAV SB791 - Community Trust Act(1).pdf**

Uploaded by: Rianna Eckel

Position: FAV

Dear Chair Smith, Vice Chair Waldstreicher, and Honorable Members of Judicial Proceedings Committee,

My name is Rianna Eckel, I'm a resident of District 43A, and a member of Showing Up for Racial Justice. Showing Up for Racial Justice Baltimore is a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. **I am writing in support of SB791, the Community Trust Act.**



**Showing Up for Racial Justice**

Maryland urgently needs this bill to pass, because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to **issue a favorable report on SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,  
Rianna Eckel  
2300 Hunter St, Baltimore 21218  
Showing Up for Racial Justice Baltimore

# **Testimony in support of SB0791 - Community Trust A**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0791\_RichardKaplowitz\_FAV

02/25/2026

Richard Keith Kaplowitz Frederick,  
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*<sup>1</sup>

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.

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<sup>1</sup> <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>

**SB0791\_RichardKaplowitz\_FAV**

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](#).<sup>2</sup> 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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2

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

# **SB0791 Testimony - Google Docs.pdf**

Uploaded by: Richard Platt

Position: FAV

**Testimony on Senate Bill 0791 – Favorable**  
**SB0791 – Correctional Services and Public Safety - Immigration Enforcement -**  
**Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February, 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldtreicher, and Members of the Committee,

My name is Richard Platt , and I am a resident of St. Mary's County , Maryland. I am writing in support of **SB 0791– the Community Trust Act**.

I support SB0791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

Richard Platt

St. Mary's County

# **Testimony on Senate Bill 791.pdf**

Uploaded by: Robin Zvier

Position: FAV

## **Testimony on Senate Bill 791 – Favorable**

### **SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

#### **Judicial Proceedings Committee**

February 23, 2026

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Robin Zwier and I am a resident of Parkville, Maryland. I am writing in support of SB791 – the Community Trust Act.

I care about this issue as a community member and educator. At this point, no one can feel confident that they are safe from ICE's lawless actions, and our immigrant neighbors and other people of color feel especially threatened. Students should not have to add worrying that themselves or their loved ones could be detained or deported to the long list of concerns teenagers and young adults already have. We need to know that Maryland stands with our communities.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

If we want our state and local law enforcement officials to be able to their jobs to keep our communities safe, it is important that we know they are not collaborating with ICE and actively assisting in detaining and deporting our neighbors.

For these reasons, I respectfully urge the committee to issue a favorable report on SB791.

Thank you for your time and consideration.

Sincerely,

Robin Zwier

**SB0791\_RonitADancis\_FAV.pdf**

Uploaded by: Ronit A Dancis

Position: FAV

February 23, 2026

Ronit A. Dancis  
Silver Spring, 20910

**TESTIMONY ON SB0791 - POSITION: (FAVORABLE)**  
**Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judiciary Committee

**FROM:** Ronit Aviva Dancis

**My name is Ronit Aviva Dancis. I am a resident of District 20. I am submitting this testimony in support of (SB0791), (Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)).**

I am the sister-in-law, daughter, granddaughter, great-granddaughter, stepdaughter and niece of immigrants. Our family, almost all Marylanders, includes people whose first language is Russian, Yiddish or Spanish. Wherever they emigrated from, my relatives all emigrated to the US for the justice and opportunity guaranteed by the US Constitution and the rule of law.

Over 120 years ago, the Czar's police knocked on my great-grandfather's door, looking for Uncle Max, who was 14 years old. There was no bill of rights in Czarist Russia; the Czar's police didn't need a warrant. Jews had even fewer rights. If the Czar's police had taken 14 year old Max that night, they could have tortured and held him indefinitely. Great-grandpa took Max and left for the US immediately, leaving behind his pregnant wife and three younger children, two of whom were toddlers. The danger was so great that they couldn't wait to save up enough money for the boat tickets to bring the entire family over. The family was separated for 3 years. My great-grandparents made that unimaginable sacrifice so they could raise their children in a nation with a Bill of Rights.

The constitutional rights for which my great-grandparents sacrificed so much are regularly violated by ICE. Like the Czar's secret police, ICE is an entirely lawless agency. It is no surprise that Maryland law enforcement and Maryland jail officials, when voluntarily cooperating with ICE, are equally lawless. Maryland law enforcement and jail officials are holding people past their release date and notifying ICE of individuals in their custody – without the constitutionally required judicial warrant. SB0791 will ensure Marylanders' constitutional rights are upheld.

SB0791 does not prevent the federal government from enforcing immigration laws.

Marylanders are counting on you to pass this bill to protect our Constitutional rights, require a judicial warrant before anyone is held for ICE and stop local officers from proactively contacting ICE about people in their custody.

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

**SB0791\_RabbiRuthSmith\_JUFJ\_FAV.pdf**

Uploaded by: Ruth smith

Position: FAV

February 25, 2026

Rabbi Ruth Smith  
Baltimore, MD 21212

**TESTIMONY ON SB0791: 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:** Rabbi Ruth Smith, on behalf of Jews United for Justice (JUFJ)

*Hene ma tov, u ma naim* – how good it is for us to come together, to stand with the Maryland General Assembly as you work to pass this legislation to stand up against the dangerous policies of our federal government that is working overtime to overturn everything that makes this country great while making our streets less safe.

My name is Rabbi Ruth Smith. I am a resident of District 43. **I am submitting this testimony on behalf of Jews United for Justice (JUFJ) in support of SB 791, the Community Trust Act.** JUFJ organizes over 6,000 Jews and allies from across Maryland in support of social, racial, and economic justice campaigns at the state and local levels.

Just recently, in synagogues all across the world, Jews were reading the story of slavery in Egypt. Each year when we retell these stories, we hear the groans of our ancestors as they reverberate across the millennia. We know what it was like to be strangers in a strange land. Over the generations we emigrated, becoming strangers time and time again. There is a Biblical Hebrew word for someone who comes from away to live and work in community: that word is *Ger*. Torah understands the human tendency to be distrustful of *gerim*, of people from away. That's why the torah teaches:

וְגֵר לֹא תִלְחָץ

Don't oppress the one who has come to live among you

וְאַתֶּם יָדַעְתֶּם אֶת־נַפְשׁ הַגֵּר

Because you know the soul of the *ger*

כִּי־גֵרִים הֵיִיתֶם בְּאֶרֶץ מִצְרַיִם:

Because you were *gerim* in the land of egypt

Torah wants us to recognize *gerim* in ourselves and to do better than what was done to us and our ancestors. That is why this command is repeated 36 times throughout the Torah, the

most any one command is repeated. **Gerim**, by virtue of coming and living among us, become our neighbors and we are instructed: **וְאַהֲבַת לְרֵעֶךָ כָּמוֹךָ v'ahvta l'reahcha c'mocha**, (Leviticus 19:18) to love your neighbor as yourself.

JUFJ is proud to work alongside our partners to fight for the Community Trust Act as it upholds the Jewish value of protecting **Gerim**. Building on the success of banning 287(g) agreements in Maryland, passing this legislation is a critical way that our state can strike out against the immoral and most likely unconstitutional policies of the current corrupt federal administration.

**On behalf of JUFJ, I urge the committee to issue a favorable report on SB 791.**

**FAVORABLE SB791\_Samantha Hodge-Williams.pdf**

Uploaded by: Samantha Hodge-Williams

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is **Samantha Hodge-Williams**, and I am a resident of Garrett County, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

In order to make the new statewide ban on 287gs effective, this complementary bill is paramount.

Last week, upon passage of the 287g ban, many Maryland Sheriffs, including ours, announced immediately and publicly that their office and the local jail will continue to cooperate and coordinating with ICE. Allowing informal access to jails facilitates collaboration and undermines the newly enacted 287g ban strongly supported by most Marylanders.

In fact, in states like New Jersey, Sherriff's workaround the statewide ban actually led to a surge in ICE arrests from jails and other lockups, almost doubling between in May to October 2025 (Data obtained via FOIA request, processed by the Deportation Data Project & analyzed by the Prison Policy Initiative). Despite a statewide ban, Morris County jail and other New Jersey pretrial detention facilities continued to allow ICE to enter and make arrests with the Sheriff explaining, "We have a working relationship with those authorities at our jail. They come in, and they check, you know, every other day they're in our jail, right now."

<https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/>

It should not be the role of local officers to proactively contact ICE about people in their custody, nor should our jails be holding individuals past their release date. Communities are stronger and safer when local officers are trusted to serve and protect all residents. Without SB791, this may not be possible.

I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you.

**PPI\_Testimony\_MD\_SB791\_HB1575.pdf**

Uploaded by: Sarah Staudt

Position: FAV

# PRISON POLICY INITIATIVE

**Testimony in Support of SB 791 and HB 1575: The Community Trust Act**  
**Sarah Staudt**, Director of Policy and Advocacy, and **Jacob Kang-Brown**, Senior Researcher  
Prison Policy Initiative  
**February 23, 2026**

My name is Sarah Staudt, and I am the Director of Policy and Advocacy at Prison Policy Initiative. Prison Policy Initiative is a national non-profit research and advocacy organization that has produced extensive research on the various individual and public harms of incarceration. As part of that work, we focus on the collaboration between local jail officials and Immigration and Customs Enforcement (ICE). Our July 2025 report, [Hiding in Plain Sight: How local jails obscure and facilitate deportation under Trump](#),<sup>1</sup> specifically looks at the various forms of local law enforcement collaboration with ICE and notes the importance of examining not only formal 287(g) arrangements, but also informal coordination between jails and ICE. SB 791/HB 1575 provides vital protections for Maryland residents against both of these forms of coordination.

**Informal law enforcement collaborations with ICE are funneling Maryland residents without criminal histories into the deportation system**

President Trump’s policy of cruel and lawless mass deportations needs collaboration from local and state law enforcement to proceed effectively. Although only eight law enforcement entities in Maryland had 287(g) agreements with ICE when these were banned under HB 444 and SB 245,<sup>2</sup> many law enforcement agencies, county detention centers and jails allow ICE to make arrests at their facilities, fueling ICE’s ability to identify and remove Maryland residents from their families and communities.

Most ICE arrests in jails and other lock-ups occurring in Maryland are occurring not through formal 287(g) agreements, but through informal collaboration by local and state law enforcement with ICE. These collaborations are not targeting “dangerous criminals”, but everyday Maryland residents. We analyzed Maryland data from the [Deportation Data Project](#),<sup>3</sup> a group which uses Freedom of Information Act requests to publicize data regarding ICE activities. We looked at Maryland data from the second Trump administration, from January 21, 2025 through October

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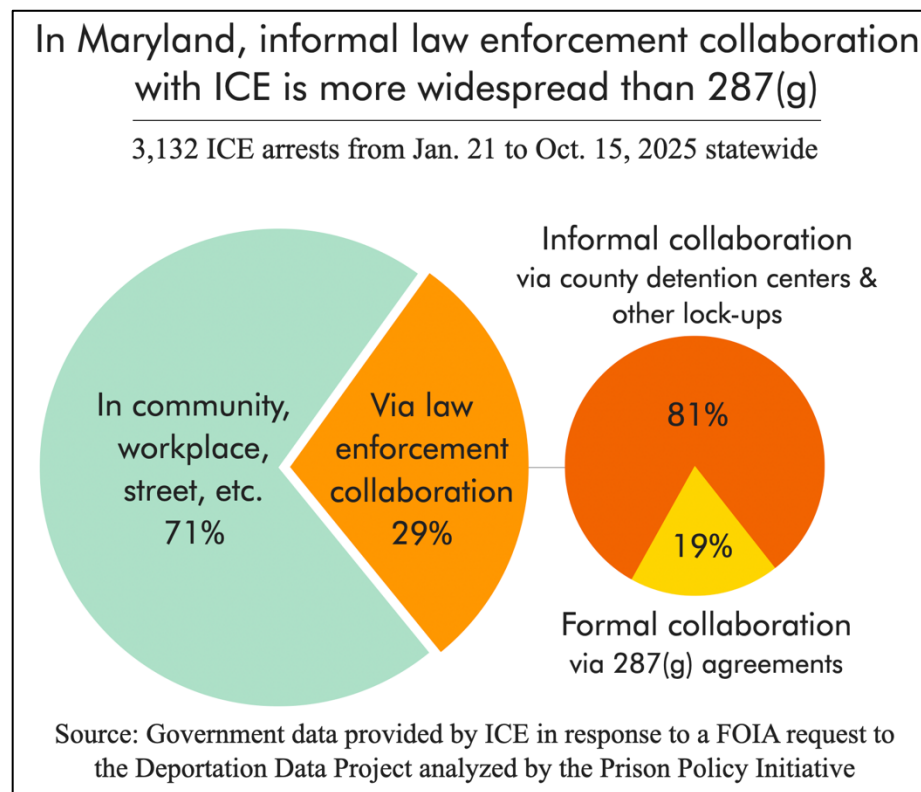
<sup>1</sup> Kang-Brown, Jacob, “Hiding in Plain Sight: How local jails obscure and facilitate deportation under Trump” Prison Policy Initiative, July 2025, available at [https://www.prisonpolicy.org/reports/jails\\_immigration.html](https://www.prisonpolicy.org/reports/jails_immigration.html)

<sup>2</sup> According to ICE’s website, these are the Sheriffs offices in Allegany, Carroll, Cecil, Garrett, Harford, St. Mary’s and Washington Counties, as well as the Wicomico County Correction’s Center. <https://www.ice.gov/identify-and-arrest/287g>

<sup>3</sup> Deportation Data Project <https://deportationdata.org/index.html>

15, 2025 (the most recent data available) to gain a better picture of who is being arrested by ICE in Maryland and how.

In Maryland, a substantial proportion of ICE arrests happen because of collaboration with local law enforcement — and of those arrests, most arise from *informal* collaboration, rather than formal 287(g) agreements. About 1 in 3 ICE arrests (29%) during the second Trump administration occurred through jails or other lockups; of those, 81% are through informal ICE collaboration, and only 19% are through formal 287(g) agreements. Legislation that *only* addressed 287(g) agreements, therefore, would not address the bulk of the problem. SB 791/HB 1575’s focus on both formal and informal collaboration is vital to protect Maryland residents who are arrested from being channeled into the immigration system.



Most people arrested by ICE in Maryland do not fit the Trump administration’s assertion that they are arresting and deporting “dangerous criminals” — on the contrary, many people arrested by ICE, both inside lock-ups and in the community, have no criminal convictions at all. Only 36% of people in Maryland arrested by ICE overall, 44% arrested through informal collaboration with law enforcement, and 51% arrested through 287(g) had any criminal convictions — and those numbers include convictions for previous immigration offenses and for traffic offenses. Only 3% of people arrested by ICE in Maryland had criminal history that falls into the FBI’s standard definition of violent crime (Part I Violent Crime from the Uniform Crime Reporting program). In short, just because someone has been transferred to ICE via a jail does not mean they have any criminal history or pose any risk — on the contrary, the people victimized by

informal collaboration are often ordinary Maryland residents who have come in contact with the law through simple traffic stops and other commonplace interactions with law enforcement.

**The experience of other states shows regulations on ICE collaboration can make a meaningful difference — but banning 287(g) agreements is not enough**

States have taken three kinds of approaches to law enforcement collaboration with ICE. Some states, like Florida, actively encourage such collaboration; unsurprisingly, their rates of ICE arrests are very high.

Other states like New Jersey have taken a first step towards limiting ICE collaboration by banning 287(g) agreements.<sup>4</sup> However, New Jersey did not ban *informal* collaboration with ICE, and as a result, some local New Jersey sheriffs continue to allow ICE to enter their lock-ups and make arrests. As a result, New Jersey has seen high levels of ICE arrests out of local jails and other lock-ups.

The most effective way to curtail ICE arrests is barring both formal 287(g) agreements and informal collaboration. Illinois' TRUST Act prohibits collaboration — [2025 guidance from the Illinois Attorney General](#) states that local law enforcement may not transfer people to immigration custody, may not give ICE agents access to any person in custody, may not permit ICE agencies to use facilities or equipment, including electronic databases, and may not “otherwise render collateral assistance” to ICE agents.<sup>5</sup> Illinois' law works: they had lower rates of overall ICE arrests, and much lower rates of ICE arrests out of lock-ups, than did New Jersey.

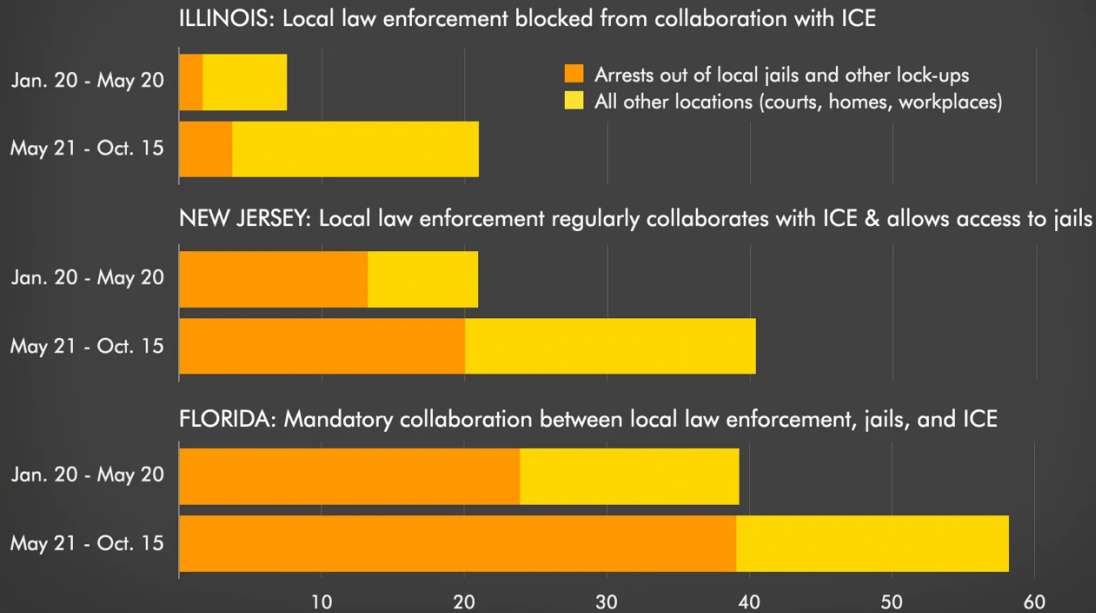
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<sup>4</sup> New Jersey terminated all 287(g) agreements in 2019 via an executive order from the Attorney General.

<sup>5</sup> Illinois Attorney General's Office, “Guidance: Illinois Laws Governing Law Enforcement Interactions with Immigrant Communities” June 2025, available at: <https://illinoisattorneygeneral.gov/Page-Attachments/ImmigrationLawGuidancetoLawEnforcement.pdf>

## Policies blocking ICE access to jails have kept immigration arrest rates lower in some states

Number of ICE arrests per 100,000 residents in a 4-month period in 2025, by apprehension location



Calculated by the Prison Policy Initiative from the ICE arrest database tables from Jan. 20 - Oct. 15, 2025 published by the Deportation Data Project & the Census Bureau's Annual Estimates of the Resident Population for July 1, 2024

**PRISON**  
POLICY INITIATIVE

By passing HB 1575/SB 791, Maryland has the opportunity to protect its residents against the harmful abuses of the immigration and deportation system that are rampant under the Trump administration.

**SB791 Testimony FAVORABLE\_STomac.pdf**

Uploaded by: Shannon Tomac

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
(Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Shannon Tomac, and I am a resident of Garrett County, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

Just Thursday, after Governor Moore signed SB234, my County Sheriff's Office released a letter stating, **"In response to the legislative change, I have established internal guidelines within our Detention Center to ensure we continue to coordinate with ICE as appropriate when situations involving individuals of interest arise."** (letter at <https://www.facebook.com/share/p/188ufJNUty/>)

It is so very concerning, disheartening, that the back and forth continues, the blaming and shifting of responsibility. Who are we protecting? Who are "individuals of interest?" Federal overreach and unconstitutional practices allow for ICE to racially profile anyone, and put everyone at risk. My daughter is African American—her Senegalese father was actually deported by Trump in his last administration. My daughter was born in Washington, DC. She's now a teenager with brown skin and I worry that despite now living in this relatively rural and "safe" area (Accident, MD) that she is at risk of being the target of ICE activity.

To protect as many immigrant and minority Marylanders as possible—including my daughter— from this administration's campaign of terror, ***we must stop colluding with ICE's paramilitary force***, something my local government is not willing to do on its own accord. Maryland doesn't have a legal obligation to assist ICE in immigration enforcement, which is a federal responsibility and already funded at an unprecedented level. Continued voluntary collaboration is a political choice that wastes Maryland taxpayer dollars and makes our communities less safe.

This bill does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**. Thank you for your time and consideration.

Sincerely,

**Shannon Tomac  
Accident, MD  
202-641-5567**

# **HB1575 Favorable.pdf**

Uploaded by: sharlimar douglass

Position: FAV



## **HB1575 Community Trust Act – Correctional Services and Public Safety – Immigration Enforcement - Prohibitions**

**Position: Favorable**

**February 25, 2026**

The Maryland Alliance for Racial Equity in Education (MAREE), a coalition of education advocacy, civil rights, and community-based organizations committed to eliminating racial disparities in Maryland's education system, **offers favorable testimony in support for HB 1575, the Community Trust Act.**

Public safety depends on trust — the trust that every person, regardless of immigration status, can call for help, report a crime, or interact with local institutions without fear of deportation. When that trust is broken, communities suffer. Witnesses don't come forward. Victims stay silent. Crimes go unsolved. HB 1575 recognizes this fundamental truth and takes decisive action to protect it.

By prohibiting employees and agents of State and local correctional facilities and law enforcement from engaging in immigration enforcement activities — functions that belong to the federal government — this bill draws a clear and necessary line. It allows Maryland's law enforcement to focus on what they were hired to do: keep our communities safe.

We cannot discuss immigration enforcement without naming who is most impacted: Black and Brown communities, Latino families, immigrants of color who have built lives and livelihoods here in Maryland. For these communities, the fear of encountering local police or a correctional officer and being handed over to federal immigration authorities is not abstract — it is a daily, lived reality that shapes every interaction with public institutions.

The Community Trust Act affirms that Maryland's public safety apparatus should serve all residents, not be weaponized against them. This is consistent with our state's longstanding values of equity and inclusion, and it is consistent with what the research tells us: jurisdictions that limit local cooperation with federal immigration enforcement have lower crime rates and stronger community-police relationships.

When immigrant families fear their encounters with local government will trigger deportation proceedings, the consequences ripple far beyond courthouses and jails. Parents stop attending school meetings. Children miss medical appointments. Community members disengage from civic life entirely. HB 1575 helps ensure that Maryland remains a place where all families — including those who are undocumented or have mixed immigration status — can participate fully in public life without fear.

Immigration enforcement is a federal responsibility. When local and state correctional and law enforcement personnel are swept into that work — honoring civil detainer requests that lack judicial warrants, sharing information to facilitate deportations — they potentially expose Maryland to civil liability, undermine the separation of powers, and erode the constitutional rights of residents. HB 1575 provides clear statutory guidance that protects both our communities and our institutions.

The Community Trust Act is a bold, necessary step toward a Maryland where public safety institutions serve everyone. I urge this Committee to move HB 1575 forward favorably. The communities most harmed by unchecked immigration enforcement — communities that have been marginalized, surveilled, and criminalized for far too long — are counting on us to act.

**MAREE urges a favorable report on HB1575.**

peace & truth,  
sharlimar douglass  
Education Justice Advocate & Analyst  
Maryland Alliance for Racial Equity in Education (MAREE)

# **Testimony on Senate Bill 791 – Favorable - Google**

Uploaded by: sonia shah

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Sonia Shah, and I am a resident of Baltimore county, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

I have personally observed the fear of my immigrant neighbors and family members in the current climate, even though they are all legal residents. We need as many safeguards as possible to protect us from unconstitutional and needlessly brutal immigration enforcement as practiced by the current Department of Justice under President Trump.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

**Sonia Shah  
328 Weatherbee Road  
Towson MD 21286  
443-613-2456**

## **2.23.26 SB791 OPD Favorable.pdf**

Uploaded by: Stephanie Wolf

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: SB791 Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: February 23, 2026**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on SB791, the Community Trust Act (“CTA”).

This legislation promotes trust in our institutions by creating a clear statewide policy that distinguishes between state and local law enforcement and ICE, and ensuring that our officials remain squarely focused on their mission of protecting public safety in Maryland through the enforcement of state and local law.

### **The CTA Closes a Critical Loophole Permitting Police to Work on Behalf of ICE**

While Maryland Criminal Procedure 5-104 prohibits police officers on the street from detaining someone or prolonging their detention based on suspicion of a civil immigration violation, and from asking questions about the person’s citizenship or immigration status, this law did not address police officers’ ability to share information with ICE where they can do so without prolonging the person’s detention. This loophole means that while an officer cannot ask during a traffic stop “are you a US citizen?” or “where were you born?”, if he runs a driver’s license and sees one of the hundreds of thousands of administrative immigration ‘warrants’ that were uploaded to NCIC in 2025, Maryland law still permits him to call ICE and provide that person’s information to ICE, even if she was never arrested or even suspected of a crime. After a routine traffic stop, that information could be more than enough for ICE to make an arrest: her name, location and direction of travel, current home address, the vehicle’s registration number, or even the location to which she mentioned she was traveling.

This is not a mere hypothetical. The Baltimore County Police Department field manual provides that where NCIC showed an ICE-related hit, department members must distinguish between civil and criminal warrants, and in the case of a civil administrative warrant

“Contact the ICE Law Enforcement Support Center (LESC) after the encounter has ended and provide the subject’s information. EXCEPTION: If a subject is arrested in reference to a violation of Maryland law or federal criminal law, notification will be done upon approval by the shift/unit commander after arriving at the precinct, and a printed copy of the NCIC response will be placed with the subject’s arrest documents.”

This policy clearly contemplates that not only will local police on the street be providing information to ICE voluntarily, based solely on a civil administrative ‘warrant,’ but that they will do so *even about subjects who are never arrested*. While Baltimore County’s recently-signed Trust Act will require their police department to update this particular policy, other departments around the state will be free to require this type of voluntary ICE cooperation by police on the street.

### **The CTA Protects the 4<sup>th</sup> Amendment by Standardizing Local Policies that Result in 4<sup>th</sup> Amendment Violations**

Around the State, local detention facilities have taken a range of different approaches to cooperation with ICE, many of which fail to respect the basic constitutional principle that any arrest must be supported by probable cause, and must either be upon a warrant or must fall within an exception the warrant requirement. While guidance from the Attorney General and a plethora of caselaw has repeatedly made clear that prolonging detention based on an administrative ICE warrant or administrative ICE detainer is illegal, the policies and practices of numerous local detention centers around the state nonetheless allow for or result in prolonged detention based on these unreviewed administrative requests by ICE.<sup>1</sup> In former 287(g) jurisdictions, we must anticipate that both force of habit and, in some cases, ideological opposition to the ban will contribute to additional violations. The CTA’s clear ban on transferring an individual to ICE in the absence of a *judicial* warrant does not break new legal ground, but rather will clarify the law, reducing confusion for

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<sup>1</sup> Anne Arundel County Department of Detention Facilities policy, for instance, provides that “Determination will be made on a case-by-case basis by the Superintendent or the Correctional Facility Administrator to determine how long ICE has to assume custody of subjects with ICE detainees.” This information was provided in response to an MPIA request by the Office of the Public Defender.

correctional officers, and prompting facilities statewide to update their policies to ensure that they comply with the law.

## **The CTA Upholds Due Process by Ending Local Participation in the Deportation of Marylanders Who Have Not Been Convicted of Any Crime**

From January to October of 2025, 78% of the people booked into ICE detention as a result of an ICE detainer in a non-287g county had no conviction at all.<sup>2</sup> Of those with convictions, a significant number had a most serious conviction that was a traffic offense. This reflects the reality that informal collaboration with ICE outside of 287g targets the exact same population of least-culpable individuals that 287g agreements target: those being released from a local jail. Those individuals are generally being released either pretrial, or after their case has been resolved without a conviction (meaning they have been acquitted, the charges have been dismissed, or the case has been placed on the stet docket), or they have been convicted and served a short local sentence for a less serious offense. Like 287(g) agreements, these informal forms of collaboration do not protect public safety; they serve only to undermine due process by ensuring that a police officer's decision to arrest—regardless of the offense or whether the charge is ever proven—is often the deciding factor in whether a person is placed into the deportation pipeline with the help of local officials.

When community members disappear into ICE custody after an arrest, either before their day in court, or after being found not guilty, or even after serving their time for a one-time mistake, it fuels the valid perception that even a minor or mistaken run-in with police can turn into a deportation. This perception, and the panic it creates, is corrosive to public safety and counterproductive to effective law enforcement.

## **Passing the CTA Will Help Rebuild Community Trust**

A community that fears engagement with law enforcement is vulnerable, and widespread fear hinders the effective enforcement of Maryland criminal law. For the same reasons that it was important to protect courthouses to the extent possible from becoming associated with the risk of an ICE arrest in last year's Values Act, and to ban 287(g) agreements earlier this session, it is important to ensure that local law enforcement is fully and clearly separated from ICE in the eyes of Maryland residents. This separation is impossible to maintain—both in perception and in reality—

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<sup>2</sup> The FOIA data is available from the Deportation Data Project at <https://github.com/deportationdata/ice/raw/refs/heads/main/data/detainers-latest.xlsx>.

when a local jail communicates extensively with ICE, even when particular police agencies operating within that jurisdiction have taken pains to distance themselves from immigration enforcement and build community trust. Demanding that our law enforcement agencies abandon ICE partnerships and prioritize enforcing Maryland laws, on the other hand, preserves public trust and ultimately protects public safety.

**For all of these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB791.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Stephanie Wolf, Director of Immigration Services, [stephanie.wolf@maryland.gov](mailto:stephanie.wolf@maryland.gov).**

**SB791 SSJC fav.pdf**

Uploaded by: Susaanti Follingstad

Position: FAV



**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

Silver Spring Justice Coalition offers favorable testimony in support of **SB791 – the Community Trust Act**.

Silver Spring Justice Coalition is an organization of community members, faith groups, and civil and human rights organizations from throughout Montgomery County that works to reduce the presence of police in our communities; eliminate violence and harm by police; establish transparency and accountability; and redirect public funds toward community needs.

The Community Trust Act is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

Our immigrant community is under siege by federal government actions. Places in Montgomery County that used to bustle are empty and quiet because immigrants (and some who might be perceived as immigrants) are afraid to venture out for fear of a chance encounter with federal officials or local law enforcement. Immigrants are having food delivered by local mutual aid groups, getting others to take their children to school (or keeping them home), setting up Standby Guardianship for their children in case the parents are detained or deported, and even afraid to answer their phones or open their door to anyone they do not know.

Separation of police and Immigration and Customs Enforcement (ICE) functions is imperative to create communities in which residents can seek urgent help without risk of being turned over to ICE, and where all members of the community are treated equally in the criminal justice system regardless of immigration status. Meanwhile, due to such collaboration, immigrants who commit crimes often suffer an unnecessary and unjust double punishment; even before they have been convicted or after they serve their sentences, police and jails in Maryland still transfer them to

ICE for detention and deportation. Every Maryland resident deserves the chance to live safely in their community, and ICE-police collaboration often takes that chance away.

Allowing law enforcement to coordinate with ICE more than required by law, simply increases the terror of law enforcement encounters and distrust of engaging with law enforcement. Such distrust leads immigrants to not report crimes or serve as witnesses, which makes all of us less safe.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

Our members have seen first-hand the effect on families and especially children as caregivers go through the process of detention and deportation. The economic, psychological, and emotional cost is severe and long-lasting. In these cases, what would have otherwise been a simple infraction, resulted in unnecessary long-term suffering.

It is vital that the State promote the safety of all and minimize the risks immigrants face by prohibiting law enforcement from acting on behalf of ICE unless there is a judicial warrant.

For these reasons, Silver Spring Justice Coalition urges the committee to issue a favorable report on SB791.

Sincerely,  
Susaanti Follingstad  
Silver Spring Justice Coalition Steering Committee  
Rockville MD 20851

# **SB791**

Uploaded by: Susan Grossman

Position: FAV

**Testimony Supporting SB0791/HB1575**  
**Correctional Services and Public Safety – Immigrant Enforcement - Prohibitions**

Respectfully Submitted by  
Rabbi Dr. Susan Grossman  
Rabbi Emerita  
Beth Shalom Congregation  
8070 Harriet Tubman Lane  
Columbia, Maryland 21044

My name is Rabbi Susan Grossman. While I am a Commissioner on the Governor's Commission on Middle Eastern American Affairs, I am submitting this written testimony as a private citizen and interfaith leader in support of SB 0791/HB1575.

I was raised as the daughter of a New York City fireman and was always taught I should seek out a police officer if I ever needed assistance. That such a trust is, unfortunately, not true for so many young people is a tragedy with serious repercussions for our society. Our law enforcement officers are vested with a sacred trust. They are responsible for protecting public safety in our communities with honesty, integrity, and compassion, serving as aspirational models of justice and safety. Developing and retaining public and local community trust is essential to their effectiveness. This is part of the reasoning behind recent state legislation signed into law by Governor Moore in February, which prohibits state and local law enforcement from deputizing officers for federal civil immigration enforcement activities. The intent was clear: Maryland is a State proud of its immigrant populations, who contribute to our State's vibrancy and success, and is committed to ensuring the safety of its population, in all its diversity.

The immigrant enforcement prohibitions delineated in SB 0791/HB1575 will help better ensure that these values are consistently actualized by clarifying that agents of correctional facilities and law enforcement, including local sheriffs, are also prohibited from cooperating with federal civil immigration enforcement. Such legislation balances the need for public safety, in terms of protecting the public from perpetrators of violent crime, and the moral imperative to protect Maryland's tapestry of residents from discrimination because of the color of their skin or national origin.

As we approach the 250<sup>th</sup> anniversary of the founding of our great nation, we can pause to reflect on the words that inspired our Founding Fathers when they signed the Declaration of Independence: that all are *endowed by their Creator with certain unalienable rights that, among these, are Life, Liberty, and the Pursuit of Happiness*. We have made great strides over the last 250 years to broaden the range of races and genders included in this promise. We are a state that is proud of the contributions immigrants have made to our success and the diverse fabric of our society. As a State, we have the moral obligation to ensure that peace-loving individuals who have come to our shores inspired by this promise of freedom and safety for themselves and their children and desiring to be productive members of Maryland society, can do so without fear.

I urge a favorable report and passage of these bills.

# **Support SB791- Catonsville Indivisible Group 2-23-**

Uploaded by: Susan Radke

Position: FAV



## Catonsville Indivisible Group

**Support for Senate Bill 791 -Favorable  
Correctional Services and Public Safety – Immigration Enforcement  
Prohibitions  
Community Trust Act**

My name is Susan Radke and am a co-leader with Catonsville Indivisible Group, a grassroots group of constituents living in Catonsville, Southwest Baltimore County, Maryland who are dedicated to protecting our U.S. Constitutional rights, as well as progressive and democratic values. The **Catonsville Indivisible Group** and I strongly support SB 791 which prohibits employees and agents of the State and local correctional facilities from taking certain actions related to immigration enforcement.

Currently, local jails and law enforcement in Maryland voluntarily collaborate with ICE and hold immigrants past their release date so that ICE agents can take these individuals into custody without a judicial warrant. This is against a person's constitutional right and it is wasteful taxpayer dollars to keep individuals in jail. Further these actions erode trust between residents and law enforcement.

While attending an event here in Maryland, one of the immigrant participants discussed how her son was arrested for a minor offence, taken out of jail and sent to El Salvador's CECOT which is the maximum-security prison in El Salvador; the same prison where Kilmar Garcia and many immigrants are sent. This mother reported it took months to locate her son, she has no communications with him, no idea about his condition, nor how to get him released. Her son is lost in the system as many other of our immigrant neighbors. Senate Bill 791 can prevent this from happening to immigrants who are arrested for minor offences such as traffic violations.

The Catonsville Indivisible Group and I support this bill because it requires a signed, dated Judicial warrant before ICE can take an immigrant from custody and stop local officers from proactively contacting ICE. This bill does not prevent the federal government from enforcing immigration laws, but ensures that a person's constitutional rights are protected. Further, the bill ensures that no person, their family, household member, or legal guardian are coerced, intimidated or threatened due to actual or perceived citizenship or immigration status.

Senate Bill 791 can restore community trust in law enforcement and reduce fear, therefore, and we urge the House Judiciary Committee to issue a favorable report and ultimately pass this bill.

Susan Radke, co-leader, on behalf of the Catonsville Indivisible Group

**SB791\_Susan Tafler\_FAV.pdf**

Uploaded by: Susan Tafler

Position: FAV

Hearing Date: February 25, 2026  
Susan W. Tafler  
Odenton Maryland 21113

## **Testimony on Senate Bill 791 – Favorable**

### **SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**

**TO:** Honorable Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

**My name is Susan W. Tafler, and I am a resident of Maryland District 21. I am writing in support of SB791 – the Community Trust Act.**

I am the granddaughter of four immigrants from Eastern Europe who came to America for freedom from forced conscription and freedom from arrest for unionizing activities as well as better economic opportunities and safety from antisemitic pogroms. They came to America in the 1910s, before the restrictive immigration laws of the 1920s (and later) were enacted. If my grandparents had been forced to stay in Eastern Europe or sent back from America, my parents, uncles, and aunts would not have been born as US citizens and likely would have perished in the Holocaust. And I, who was born in 1947, would likely never have been born.

As a Jew guided by our sacred texts, I am mindful that the Bible commands us: “When strangers [immigrants] reside with you in your land, you shall not wrong them. The sojourners who reside with you shall be to you as your citizens; you shall love them as yourself, for you were strangers in the land of Egypt” (Leviticus 19: 33-34).

It was only a month ago that I submitted testimony to your committee in support of the bill ending 287(g) agreements in Maryland, and I was delighted that Governor Moore very recently signed that bill. Now I find out that local jails and law enforcement across Maryland are still voluntarily collaborating with ICE--holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement. Most people in local jails have not been convicted of any crime at all, and many are accused only of low-level offenses like trespassing or disorderly conduct.

I support SB791 because it will simply require a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them. Immigration enforcement by ICE is a federal responsibility and already funded at an unprecedented level; continued voluntary collaboration is a political choice that wastes Maryland taxpayer dollars and makes our communities less safe.

**For these reasons, I respectfully urge this committee to return a favorable report on SB791.**

**SB0791\_SusannahFeldman\_FAV.pdf**

Uploaded by: Susannah Feldman

Position: FAV

Hearing date: Wednesday, February 25, 2026  
Susannah Feldman  
Columbia, MD 21044

**TESTIMONY ON SB791 - FAVORABLE**

**SB791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
(Community Trust Act)**

**Judicial Proceedings Committee**

**February 22, 2026**

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

My name is **Susannah Feldman**. I am a **resident of District 12A**. I am submitting this testimony in support of **SB791 – the Community Trust Act**.

I am a member of the Columbia Jewish Congregation. A central tenet of my Jewish faith is to ‘Welcome the Stranger’. This commandment speaks to me in a very personal way, as I am the daughter of two refugees from Nazi Austria who were lucky enough to escape the rounding-up and slaughter that many of their less fortunate family members suffered. They became productive, upstanding American citizens who repeatedly expressed their gratitude to this country for giving them a second lease on life. It pains me greatly to see the indiscriminate, lawless, and brutal actions of ICE and CBP officials as they round up and imprison masses of immigrants – many of whom are law-abiding, productive members of their communities on a legal path to citizenship.

Bill SB791 would assure that Maryland officials don’t collaborate with these reprehensible actions of ICE and CPB, and thus would improve trust, safety, and fairness for all residents of our communities. The bill simply requires a judicial warrant to hold anyone for ICE and bars local officials from proactively contacting ICE about anyone in their custody. It does not in any way interfere with enforcement of immigration laws by federal officials.

Please make our communities safer for all of us by assuring that our local officials are not doing the job of ICE for them. **I respectfully urge this committee to return a favorable report on SB791.**

Thank you for your time and consideration.

Sincerely,  
Susannah Feldman  
4941 West Running Brook Rd.  
Columbia, MD 21044

**SB 791 Testimony 02.2026.pdf**

Uploaded by: Taj Smith

Position: FAV



**TESTIMONY IN SUPPORT OF SB 791 Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
(Community Trust Act)**

**TO:** Chair William C. Smith, Jr., and Members of the Senate Judicial Proceedings Committee

**FROM:** Washington County NAACP

**DATE:** February 23, 2026

The Washington County NAACP serves as a cornerstone of advocacy for civil rights and social justice in Western Maryland. Our mission is to ensure the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination. We represent a diverse constituency, including Black Americans, immigrants of color, and all marginalized residents who seek safety, dignity, and equity in Washington County.

The Washington County NAACP urges a **favorable report on SB 791**. This legislation is a vital step toward restoring the Community Trust that has been severely eroded in our county. By drawing a clear line between local law enforcement and federal immigration enforcement, Maryland can ensure that our local resources are used to protect our residents, not to act as an extension of a federal deportation machine.

Our community is currently facing an expansion of federal immigration infrastructure. The recent \$102.4 million purchase of a warehouse on Wright Road in Williamsport for conversion into an ICE processing detention center has intensified the culture of fear through our neighborhoods.

We stand with Maryland Attorney General Anthony Brown, who recently filed a lawsuit against the federal government regarding this purchase. As the Attorney General noted, this facility was acquired without transparency, environmental review, or community input. For a warehouse with only four toilets to be slated to hold 1,500 people is not just a land-use issue; it is a human rights crisis.

While we celebrate the state's recent legislative action to end 287(g) agreements, Washington County's history with racism and participation with these agreements, has left deep scars. This culture of collaboration was reaffirmed just this month when our County Commissioners passed a resolution giving "unwavering support" to DHS and ICE, effectively

In Washington County, we are witnessing the effect of local-federal collaboration in real-time:

- **Education:** Children are being kept home from school because parents fear a routine traffic stop could lead to permanent family separation.
- **Faith and Culture:** Attendance at local churches and cultural festivals has plummeted. Our vibrant immigrant communities are being forced into hiding.
- **Presumption of Innocence:** Many individuals currently being detained and transferred to ICE have never been convicted of a crime. Informal collaboration turns our local police into agents of ICE, undermining the fundamental American principle of the presumption of innocence.

SB 791 provides a necessary framework to stop these abuses. It would:

1. Require a judicial warrant before any individual is held for ICE.
2. Stop local officers from proactively contacting ICE about people in their custody.

3. Reduce racial profiling by removing the incentive for "pretextual stops" based on suspected immigration status.

This bill does **not** prevent the federal government from enforcing immigration laws. It simply ensures that Maryland; and Washington County; does not do ICE's job for them. Our local law enforcement should focus on solving local crimes and building trust, not acting as force multipliers for federal agents.

Ending this collaboration is essential to the NAACP's mission. We cannot achieve social inclusion or accelerate the well-being of persons of color while our neighbors live in fear of a detention center in their own backyard. The lack of immigration attorneys and resources in Washington County makes the protections in SB 791 even more critical for those who have no legal voice.

**For these reasons, the Washington County NAACP respectfully requests a FAVORABLE report on SB 791.**

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Taj Smith', written over a horizontal line.

Taj Smith, President

Washington County NAACP

[tajsmith.naACP@gmail.com](mailto:tajsmith.naACP@gmail.com)

PO BOX 2451 Hagerstown, MD 21741

240-347-0397

**SB791 - Community Trust Act(1).docx.pdf**

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. I am a resident of **District 10. I am testifying in support of SB791, the Community Trust Act.**



**Showing Up for Racial Justice**

Maryland urgently needs this bill to pass, because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

The Community Trust Act bars correctional officers/facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,

**Tamara Todd**

**221 Northway Rd, Reisterstown MD 21136**

Showing Up for Racial Justice Baltimore

# **SB791 - Community Trust Act.pdf**

Uploaded by: Tatiana Santos

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

**Judicial Proceedings Committee**

**February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Tatiana Santos, and I am a resident of Frederick, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

Frederick County has a longstanding history of cooperating with ICE on immigration enforcement. Last year alone, more than 270 immigrants were turned over to ICE from our local Sheriff's department, which was up from 130+ the year prior (2024). There is no way crime has doubled in one year. The increase suggests that our sheriff strongly believes in supporting this administration's cruelty and does not intend to slow down. In fact, by his own admission in a FOX News interview recently, he stated that "[Local police] can continue to work with ICE without necessarily being in the program. We can still do the 48-hour holds on individuals with detainers, we can still contact ICE to let them know if an individual is about to be released with a detainer, we can also provide arrestee lists to ICE so they can review and check it." [1]

I support SB791 because local jails and law enforcement across Maryland are voluntarily collaborating with ICE - holding people past their release dates and notifying ICE about individuals in custody, all without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

From my immigrant advocacy work in Frederick County, I've met several immigrant neighbors who are afraid to go to work, to buy groceries, and to take their children to school. They are living in fear that once they step outside of their home, any run in with local law enforcement could put their family at further risk. When people fear contact with law enforcement, they are less likely to report crimes, seek help, or cooperate as witnesses—even when they are victims.

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.

Thank you for your time and consideration.

Sincerely,

**Tatiana Santos**

*[1] Source: <https://www.foxnews.com/politics/sheriffs-plot-ice-cooperation-workarounds-after-new-maryland-law-bans-cooperation-immigration-officers>*

# **SB791 - Community Trust Act\_TH.pdf**

Uploaded by: Theresa M. Hoffman

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA. I am a resident of District 43b. **I am testifying in support of SB791, the Community Trust Act.**



**Showing Up for Racial Justice**

Maryland urgently needs this bill to pass because 23 of Maryland's 24 counties have nothing in place to prevent local correctional officers and facilities from choosing to abet ICE in its lawless acts of mass incarceration and deportation. In 2025, these informal local collaborations were culpable for the transfer of over four times more Marylanders to ICE custody than were transferred through a formal 287(g) program. Most of these Marylanders had no criminal convictions.

The Community Trust Act bars correctional officers and facilities from asking about people's immigration/citizenship status, detaining someone to investigate their status (or doing so based on a request by the federal government), notifying the federal government that a particular person is in custody, or transferring a person to federal custody in the absence of a valid judicial warrant.

The Act does *not* prevent the Federal government from enforcing immigration laws, does *not* hide any information from ICE, and does *not* impede ICE's access to the FBI's National Crime Information Center ("NCIC") database, where anyone booked in a Maryland correctional facility will still have their fingerprints uploaded.

What the Act accomplishes is to draw a line between Maryland law-enforcement officials and federal immigration-enforcement agents. Hence the name: the Act is a step toward restoring community trust in local law enforcement. Without that trust, law enforcement cannot function effectively, and the people of Maryland cannot feel that they are being protected.

It is for these reasons that I am encouraging you to vote **in support of SB791, the Community Trust Act.**

Thank you for your time, service, and consideration.

Sincerely,  
Theresa M. Hoffman  
803 Seaward Rd., Towson, MD 21286  
Showing Up for Racial Justice Baltimore

# **SB0791 Timothy Meyer Favorable Testimony.pdf**

Uploaded by: Timothy Meyer

Position: FAV

## Testimony on SB0791 – FAVORABLE

### SB0791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)

#### Judicial Proceedings Committee – February 25, 2026

Judicial Proceedings Committee and Members of the Maryland General Assembly,

Thank you for the opportunity to submit **FAVORABLE testimony in support of SB0791 and cross-filed House legislation, HB1575.**

I support SB0791/HB1575 because collaboration with ICE – especially by holding people past their release dates and notifying ICE about individuals in custody with no judicial warrant – is making our communities less safe and having a chilling effect on public education.

My perspective is shaped by my experience as a former 5-term PTO president in Prince George's County, where I represented a school with a large immigrant community from more than 30 countries. Prince George's County schools overall include students and families from more than 150 countries and speaking more than 100 different languages. These families are hard-working, care deeply about their children's education, and are valued members of our community. In all my years as a PTO president, I never once wondered about a family's status. The moment they walked through our school doors, they belonged. Period.

The immigration actions we take – even outside the traditional boundaries of our schools – are having a clear impact on students and families. In my community alone, parents have been detained while walking their children to and from school. Students have witnessed at least one immigration-related incident that included a gun being drawn by law enforcement and used to threaten bystanders. Basic community outreach activities such as food and clothing drives have been negatively impacted. And all this is happening as we are working to improve attendance and academic outcomes at schools across Maryland. Put simply, **our children cannot learn when families live in fear** – and public policy must always put Maryland students first.

SB0791 and HB1575 would protect due process by requiring a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. This legislation would help protect families and the rule of law.

I thank all the legislative sponsors and co-sponsors for their leadership on this issue, and I respectfully urge a FAVORABLE report on SB07901 and HB1575.

Timothy Meyer

*Former 5-term PTO president in Prince George's County  
Individual Advocate with the Blueprint Coalition*

**SB791 Community Trust 2026\_ Ditz\_ FAV.pdf**

Uploaded by: Toby Ditz

Position: FAV

**Fri, Feb 23, 2026**

Toby Ditz

Baltimore, MD 21217

**TESTIMONY ON SB791: 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:** Toby Ditz

I am Toby Ditz, a resident of District 40 in Baltimore City. I **support SB791**.

As the grandchild of Jewish refugees from Eastern Europe and Russia who fled the pogroms and turmoil unleashed by WWI, I am grateful that our legislature is now speaking with a united voice in defense of the rights of our immigrant community.

My grandparents came here before the gates of US immigration slammed shut in the early 1920s, and they easily gained citizenship. The US abandoned its racist immigration quotas after 1965, but now our new immigrant neighbors are living in an era of massive backlash. Instead of “welcoming the stranger,” President Trump’s aggressive deployment of federal law enforcement officers is so racist, so indiscriminate, and so lawless that it shocks the conscience.

This bill is the logical extension of the ban on 287g agreements (and other agreements with federal immigration agencies) that is soon to become Maryland law. By prohibiting all correctional facilities in our state, *whether or not* they once had an immigration agreement, from cooperating with federal immigration agencies during their ordinary activities, unless required by court order, and by strengthening restrictions on information sharing for local law enforcement as well as correctional facilities, this bill applies the general principle that our state does not allow discrimination against immigrants to our entire criminal justice system.

It also importantly builds in an enforcement mechanism by explicitly affirming that individuals have the right to sue for injunctive relief and damages. Bravo!!

The need to protect our immigrant neighbors is now acute, and the Community Trust Act responds to that need. But we should remind ourselves that the overarching aim of the Trust Act is to ensure that members of our immigrant community do not need to fear that when they come forward to report crimes they will expose themselves or their loved ones to the risk of deportation. It is designed to make ordinary law enforcement more effective by building “trust” with all Marylanders, regardless of immigration status.

The Trust Act protects our immigrant neighbors, *and* it will improve public safety. I respectfully urge this committee to return a favorable report on **SB791**.

**SB 791 - SWASC - Trust Act - FAV.pdf**

Uploaded by: UM SWASC

Position: FAV

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**TESTIMONY IN SUPPORT OF SENATE BILL 791**  
**Correctional Services and Public Safety - Immigration Enforcement - Prohibitions**  
**(Community Trust Act)**  
*Judicial Proceedings Committee*  
**February 25, 2026**

**Social Work Advocates for Social Change strongly supports SB 791**, which will prohibit state and local correctional facilities and law enforcement agencies from proactively facilitating the transfer of an individual to federal immigration authorities without a valid judicial warrant. This bill will draw a clear line between Maryland law enforcement and federal immigration enforcement. The delineation between local and federal roles will preserve trust between immigrant communities and local law enforcement and safeguard due process for all Marylanders. Maryland's resources, tax dollars, personnel, and facilities should serve and support Marylanders, not federal ICE operations.

**At its core, SB 791 is about upholding Maryland's values - fairness, dignity, and justice - for all.** Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe. This bill affirms that our state should not be in the business of tearing apart families, undermining public trust, and diverting state and local resources into federal immigration enforcement. Maryland should remain focused on community safety, due process, and equal treatment under the law by responsibly limiting collaboration with federal immigration enforcement agencies.

**Members of Social Work Advocates for Social Change support immigrants in a direct service capacity and witness the growing fears of ICE enforcement across the state.** Individuals report fear of picking their children up from school, filling pharmacy prescriptions, and keeping in-person doctor's appointments. Research confirms our experiences working in communities: when immigrant communities view local law enforcement and federal immigration enforcement as entangled, they are less likely to report crimes or seek help.<sup>1</sup> Fear of family separation and unlawful detainment further inhibits these residents from engaging with public services, including public education and health care for critical needs. As discussed during the December 2025 Spending Affordability Committee meeting, student enrollment in Maryland public schools - particularly for English language learners - has fallen below state projections, which DLS attributes to federal immigration actions.<sup>2</sup>

**Collaboration between local correctional facilities and law enforcement agencies with Immigration and Customs Enforcement (ICE) contributes to escalating fears surrounding immigration enforcement in Maryland.** According to data compiled by the Deportation Data Project, ICE arrests in Maryland nearly tripled between 2024 and 2025, with 3,308 arrests occurring between January 1, 2025 and October 15, 2025 - compared to 1,353 arrests in 2024.<sup>3</sup> Of the Marylanders arrested by ICE between January 20 and October 15, 2025, nearly one-third (29%) were transferred from local jails and other lock-ups.<sup>4</sup> These arrests and jail transfers mean more families separated and community members removed from Maryland neighborhoods, in many cases before ever being convicted of a crime.

**Disentangling ICE from Maryland agencies protects and respects the dignity of Maryland's immigrant communities.** Jail transfers bypass legal due process procedures required by the U.S. Constitution. Additionally, detainees are regularly required to be held longer in Maryland jails until ICE can transport them to a detention facility. This puts an unnecessary burden on the local jail facilities and personnel that Maryland taxpayers should not be expected to absorb. This bill requires a judicial warrant before local jurisdictions hold detainees for ICE. It also stops local officers from proactively contacting ICE to investigate and transfer those in local custody. SB 791 does not prevent the federal agencies from carrying out their duties; it ensures that Maryland is not doing ICE's job for them.

For these reasons, **Social Work Advocates for Social Change urges the committee to issue a favorable report on SB 791.**

*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.*

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<sup>1</sup> Baumer, E. P., & Xie, M. (2023). Federal-Local Partnerships on Immigration Law Enforcement: Are the Policies Effective in Reducing Violent Victimization?. *Criminology & public policy*, 22(3), 417–455. <https://doi.org/10.1111/1745-9133.12619>

<sup>2</sup> Richman, T. (Dec 15, 2025). Maryland public school enrollment is shrinking, and leaders are scratching their heads. *Baltimore Banner*. <https://www.thebanner.com/education/k-12-schools/maryland-school-enrollment-shrinking-why-UDZRSMI5FZFC7GOYWCSVUCYDR4/>

<sup>3</sup> Government data provided by ICE in response to a FOIA request, processed by the Deportation Data Project. Accessed January 19, 2026. Retrieved from <https://deportationdata.org/data/processed/ice.html>

<sup>4</sup> Based on ICE data retrieved through FOIA and analyzed by Prison Policy Initiative: "New ICE arrest data show the power of state and local governments to curtail mass deportations." <https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/>

**FAVORABLE SB791\_Valerie Hodge-Williams.pdf**

Uploaded by: Val Hodge-Williams

Position: FAV

**Testimony on Senate Bill 791 – Favorable  
SB791 – Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
(Community Trust Act)**

**Judicial Proceedings Committee**

**February 25, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Valerie Hodge-Williams, and I am a resident of Garrett County, Maryland. I am writing in support of **SB791 – the Community Trust Act**.

I commend this committee and the Maryland Legislator on the recent emergency ban of 287g agreements. Unfortunately, local jails and law enforcement continue to voluntarily collaborate with ICE by notifying ICE about individuals in custody and holding them beyond their release dates without a judicial warrant. This is unconstitutional, wastes taxpayer dollars, and makes our communities less safe by eroding trust between residents and law enforcement.

SB791 ensures that the recently enacted 287g ban isn't undermined. In order to protect constitutional rights, a judicial warrant should be required before anyone is held locally for ICE. Local law enforcement should not proactively contact ICE about people in their custody.

I respectfully urge the committee to issue a **favorable report on SB791**. Thank you for your time and consideration.

**SB0791\_fav\_mascioli.pdf**

Uploaded by: William Mascioli

Position: FAV

**SB0791 - SUPPORT**

William Mascioli  
2021 Luzerne Avenue  
Silver Spring, MD 20910

[B3mascioli@verizon.net](mailto:B3mascioli@verizon.net)  
301.404.7490

## **SB0791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**

Senate Judicial Proceedings Committee  
February 25, 2026

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

My name is William Mascioli. I've lived in Silver Spring for forty years. Last year, a group of neighbors and I formed North Woodside Civil Resistance out of concern for the threat to our democracy posed by the actions of the Trump administration. I'm writing to express my strong support for SB00791, Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act).

We are at a truly alarming moment in our country's history. In a recent judicial opinion in the Southern District of West Virginia, US District Court Judge Joseph R. Goodwin prefaced his opinion with dicta that aptly and painfully described the dangers to our republic presented by the actions of immigration enforcement agents:

Antiseptic judicial rhetoric cannot do justice to what is happening. Across the interior of the United States, agents of the federal government— masked, anonymous, armed with military weapons, operating from unmarked vehicles, acting without warrants of any kind — are seizing persons for civil immigration violations and imprisoning them without any semblance of due process. The systematic character of this practice and its deliberate elimination of every structural feature that distinguishes constitutional authority from raw force place it beyond the reach of ordinary legal description. It is an assault on the constitutional order. It is what the Fourth Amendment was written to prevent. It is what the Due Process Clause of the Fifth Amendment forbids.

*Urquilla-Ramos v. Trump*, 2:26-cv-00066 (Feb. 19, 2026).<sup>1</sup>

Those of us who care about democracy are cheered by Maryland's recent enactment of a ban on formal 287(g) agreements with federal immigration agents. This is not because we favor lawlessness or open borders, but because the greatest lawbreakers are the unaccountable, unidentified, violent agents smashing people's windows, breaking into homes, pepper spraying—and sometimes killing—peaceful protesters, all

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<sup>1</sup> <https://www.wvsc.uscourts.gov/content/anderson-jesus-urquilla-ramos-v-donald-j-trump-et-al>.

with the awesome power of the federal government behind them. Indeed, gruesomely celebrating them.

SB0791 is an important complement to the ban on formal 287(g) agreements: Cooperation can clearly also occur without formal agreements and pose a great danger to law-abiding Maryland residents. SB0791 would shut down this loophole.

Marylanders are taking a stand every day in the streets, parks, and highway overpasses all over the state, even as the Trump administration makes clear that peaceful protesters are also their targets. We welcome this body's steps to match that same courage. Unaccountable law enforcement is the essence of a police state. Maryland should have no part of that. By ruling out cooperation with the out-of-control agency destabilizing our communities, SB0791 marks an important step towards reclaiming our basic rights. Accordingly, I urge a favorable report and thank you for your consideration.

# **HSPRD Memo on Local Enforcement of Immigration Law**

Uploaded by: Yanet Amanuel

Position: FAV

**To:** Tom Cochran  
THE U.S. CONFERENCE OF MAYORS

Darrel W. Stephens  
MAJOR CITIES CHIEFS ASSOCIATION

**From:** Matthew J. Piers  
Chirag G. Badlani  
Caryn C. Lederer  
HUGHES SOCOL PIERS RESNICK & DYM, LTD.

**Date:** January 13, 2017

**Re:** Legal Issues Regarding Local Policies Limiting Local Enforcement of  
Immigration Laws and Potential Federal Responses

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## **I. Introduction**

This memorandum addresses legal issues surrounding municipal, county or state jurisdictions with laws or policies limiting involvement of local government officials and employees in efforts to enforce federal immigration laws.<sup>1</sup> Specifically, this memo addresses potential federal legislation or administrative policy that would either force localities to take part in immigration enforcement, or bar cities and municipalities that fail to comply with “immigration detainers” or other federal immigration enforcement programs from wide sources of federal funds. This memo also addresses the Department of Justice’s position that 8 U.S.C. § 1373 is an applicable federal law with which a state or locality must certify compliance in order to be eligible for certain grants.

In summary, federal legislation or administrative policy seeking to direct local or state governments to take part in immigration enforcement would face significant challenges under current interpretations of the Tenth Amendment of the U.S. Constitution. Similarly, legislative or administrative attempts to cut off wide sources of federal funding to localities unless they partake in immigration enforcement schemes would also face significant challenges under current interpretations of the Tenth Amendment and Spending Clause of the U.S. Constitution.

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<sup>1</sup> The current discourse refers to jurisdictions with local laws or policies limiting local enforcement of immigration laws as “sanctuary cities.” The term “sanctuary city” is not defined by federal law, but it is often used to refer to those localities which, as a result of a state or local act, ordinance, policy, or fiscal constraints, place limits on their assistance to federal immigration authorities seeking to apprehend and remove unauthorized aliens. See MICHAEL JOHN GARCIA, CONG. RESEARCH SERV., RS22773, “SANCTUARY CITIES”: LEGAL ISSUES (Jan. 15, 2009), available at <http://www.ilw.com/immigrationdaily/news/2011.0106-crs.pdf>. According to some law enforcement officials, the term distracts from the real purpose of the policies to provide safe communities for all residents. See Bill Ong Hing, *Immigration Sanctuary Policies: Constitutional and Representative of Good Policing and Good Public Policy*, 2 UC IRVINE L. REV. 247, 253 (2012). Further, the term is overly broad. Accordingly, this memo will not use the term and will instead describe specific policies.

Section 1373, a federal law which prohibits local and state governments from enacting laws or policies that limit communication with the Department of Homeland Security (DHS) about information regarding the “immigration or citizenship status” of individuals and prohibits restrictions on “[m]aintaining such information,” is limited by its plain terms.<sup>2</sup> Unless a local jurisdiction’s policies or laws specifically limit communication with DHS or affirmatively forbid the maintenance of information specifically about an individual’s citizenship or immigration status, that jurisdiction’s policies will not conflict with the plain terms of Section 1373.

The analysis as set forth in this memo is based on current assumptions, and may be modified as the federal government’s potential legislative and administrative responses to local governmental policies on immigration enforcement become more specific.

## II. Background on Local and State Restrictions on Local Enforcement of Federal Immigration Laws

In the 1980s, churches, community organizations and concerned private individuals established networks that provided assistance and shelter to Central American immigrants who were fleeing civil unrest in their home countries and had been denied asylum in the United States.<sup>3</sup> Though some polices existed beforehand,<sup>4</sup> in response to the “sanctuary” movement of the 1980s and related immigration-related concerns, a number of municipalities passed resolutions, policies, or laws limiting local law enforcement’s role in federal immigration enforcement. These measures were implemented in large part to facilitate public safety by encouraging all residents, regardless of immigration status, to report crimes to local police without fear of immigration consequences.<sup>5</sup>

Community policing, a philosophy that calls for trust and engagement between law enforcement and the people they protect, is increasingly recognized as vital to effective public safety measures. That trust is undermined when individuals fear interaction with the police because of concerns that local officers will enforce federal immigration laws. As a result, immigrant communities are less likely to trust and cooperate with local police, and local law enforcement suffers. One study of Latinos in four major cities found that 70% of undocumented immigrants and 44% of all Latinos are less likely to contact law enforcement

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<sup>2</sup> As discussed in more detail below, some jurisdictions have policies barring local officers from *requesting* or *collecting* immigration status information that do not address or affect the “maintenance” of such information.

<sup>3</sup> See Rose Cuison Villazor, *What Is A "Sanctuary"?*, 61 SMU L. REV. 133 (2008).

<sup>4</sup> See Los Angeles, CA Police Dept., Special Order 40: Undocumented Aliens (Nov. 29, 1979), available at [http://www.lapdonline.org/assets/pdf/SO\\_40.pdf](http://www.lapdonline.org/assets/pdf/SO_40.pdf).

<sup>5</sup> See e.g. Chicago, IL, Mayor Harold Washington Exec. Order 85-1: Equal Access to City Services, Benefits and Opportunities, (March 7, 1985), available at <http://www.chicityclerk.com/legislation-records/journals-and-reports/executive-orders?page=1>; and the similar 1984 Executive Order issued by Washington D.C Mayor Marion Barry. See also Villazor, *supra* note 3; and Hing, *supra* note 1 (discussing history of local ordinances and stating that “[t]he idea is that by seeking to create good relations and trust with immigrant communities, law enforcement is more effective for the entire community.”)

authorities if they were victims of a crime for fear that the police will ask them or people they know about their immigration status, and 67% of undocumented immigrants and 45% of all Latinos are less likely to voluntarily offer information about, or report, crimes because of the same fear.<sup>6</sup>

Current local and state policies limiting local and state involvement in federal immigration enforcement seek to address this issue of trust, and take several different forms. These policies generally seek to preserve local and state resources and improve public safety by promoting cooperation between law enforcement and the communities they serve.<sup>7</sup>

First, some administrative policies or laws include formal restrictions on local law enforcement’s ability to apprehend or arrest an individual for federal immigration violations. These polices include restrictions on arrests for *civil* violations of federal immigration law,<sup>8</sup> as well as restrictions on arrests for criminal immigration violations, such as illegal reentry.<sup>9</sup>

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<sup>6</sup> Nik Theodore, Dep’t of Urban Planning and Policy, Univ. of Ill. at Chicago, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* 5-6 (May 2013), available at [https://www.policylink.org/sites/default/files/INSECURE\\_COMMUNITIES\\_REPORT\\_FINAL.PDF](https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF); see also *id.* at 1 (“Survey results indicate that the greater involvement of police in immigration enforcement has significantly heightened the fears many Latinos have of the police, . . . exacerbating their mistrust of law enforcement authorities.”).

<sup>7</sup> See *Oversight of the Administration’s Misdirected Immigration Enforcement Policies: Examining the Impact of Public Safety and Honoring the Victims: Hearing Before the S. Comm. on the Judiciary 2* (July 21, 2015) (statement of Tom Manger, Chief, Montgomery Cty., Md., Police Dep’t & President, Major Cities Chiefs Ass’n), available at <http://www.judiciary.senate.gov/imo/media/doc/07-21-15%20Manger%20Testimony.pdf>.

<sup>8</sup> The Supreme Court in *Arizona v. United States* clarified that local law enforcement agents do not have authority to stop or detain people for suspected violations of civil immigration law. Although authority to arrest is generally a matter of state law, the Supreme Court struck down part of an Arizona law that sought to authorize detention based on suspicion of immigration violations, finding that such authority was preempted by federal law. See *Arizona v. United States*, 132 S.Ct. 2492, 2505 (2012) (“[I]t would disrupt the federal framework to put state officers in the position of holding aliens in custody for possible unlawful presence without federal direction and supervision.”); see also *Melendres v. Arpaio*, 695 F.3d 990, 1001 (9th Cir. 2012) (“[the sheriff] may not detain individuals solely because of unlawful presence.”); *Santos v. Frederick Cnty. Bd. Of Com’rs*, 725 F.3d 451, 464-65 (4th Cir. 2013) (holding that local police do not have authority to make their own immigration arrests); *Buquer v. Indianapolis*, 797 F. Supp. 2d 905, 919 (S.D. Ind. 2011) (granting preliminary injunction against a state law authorizing LLEAs to make civil immigration arrests).

<sup>9</sup> See MICHAEL JOHN GARCIA AND KATE M. MANUEL, CONG. RESEARCH SERV., R43457, STATE AND LOCAL “SANCTUARY” POLICIES LIMITING PARTICIPATION IN IMMIGRATION ENFORCEMENT, 9 (July 10, 2015), available at <https://www.fas.org/sgp/crs/homesec/R43457.pdf>; see also OR. REV. STAT. ANN. § 181A.820 (“No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.”); Washington, DC, Mayor’s Order 2011-174: Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies (Oct. 19, 2011), at 2 (“No person shall be detained solely on the belief that he or she is not present legally in

Second, some policies include restrictions on local law enforcement inquiries or investigations into a person’s immigration status or the gathering of such information on a local level.<sup>10</sup>

Third, many jurisdictions include a policy or law preventing continued detention pursuant to an immigration detainer, a request from ICE that the local agency hold an individual in local custody in order to give ICE the opportunity to take the individual into federal custody.<sup>11</sup> The implementation of the Secure Communities program by Immigration and Customs Enforcement’s (ICE) between 2008 and 2014 relied heavily on the use of immigration detainees. Under Secure Communities, DHS emphasized that it prioritized noncitizens who posed a danger to national security or a risk to public safety, specifically, aliens convicted of “aggravated felonies,” as defined by the Immigration and Nationality Act, or two or more crimes each punishable by more than one year.<sup>12</sup> DHS discontinued the Secure Communities Program and established the Priority Enforcement Program (PEP) in November 2014.<sup>13</sup> The prior immigration detainer form (I-247) was replaced with three separate forms: DHS Form I-247D, used to request detention of a subject for up to forty-eight hours, when the subject is considered to be a priority for removal because he or she is suspected of terrorism, has a prior felony conviction, or has three prior misdemeanor convictions; DHS Form I-247N, used to request advance notification of the subject’s release

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the United States or that he or she has committed a civil immigration violation.”), available at <http://dcregs.dc.gov/Gateway/NoticeHome.aspx?NoticeID=1784041> [hereinafter *DC Order*]; Phoenix, AZ, Police Dep’t Operations Order Manual, (Jan. 2011) at 1.4, (“The investigation and enforcement of federal laws relating to illegal entry and residence in the United States is specifically assigned to [Immigration and Customs Enforcement within DHS].”), available at <https://www.phoenix.gov/policesite/Documents/089035.pdf>.

<sup>10</sup> See, e.g., DC Order, *supra* note 9 (public safety employees “shall not inquire about a person’s immigration status ... for the purpose of initiating civil enforcement of immigration proceedings that have no nexus to a criminal investigation”).

<sup>11</sup> 8 C.F.R. § 287.7; see also GARCIA AND MANUEL, *supra* note 9, at 14.

<sup>12</sup> Dir. John Morton, U.S. ICE, Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens 10072.1 (Mar. 2, 2011), available at <http://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf>. These priorities remained in effect until November 20, 2014, when they (along with the Secure Communities program) were replaced. See Sec’y Jeh Charles Johnson, U.S. Dep’t of Homeland Sec., Secure Communities (Nov. 20, 2014), available at [http://www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_secure\\_communities.pdf](http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf) (discontinuation of the Secure Communities program); Sec’y Jeh Charles Johnson, U.S. Dep’t of Homeland Sec., Policies for the Apprehension, Detention and Removal of Undocumented Immigrants (Nov. 20, 2014), available at [http://www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_prosecutorial\\_discretion.pdf](http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf) (superseding the March 2, 2011, memorandum on civil immigration enforcement priorities) [hereinafter *Secure Communities Letter*].

<sup>13</sup> See U.S. ICE, *Priority Enforcement Program Overview*, <https://www.ice.gov/pep> (last visited Jan. 11, 2017).

date; and DHS Form I-247X, used to request a detention of up to forty-eight hours, when the subject is a removal priority for some other reason.<sup>14</sup>

As discussed further below, detainers have raised numerous issues for local jurisdictions, including resource concerns, reports of detainers being issued for persons who were not convicted of *any* offense under Secure Communities, and Fourth Amendment compliance concerns. A number of courts have found that detentions pursuant to detainers violate the probable cause requirement of the Fourth Amendment,<sup>15</sup> and that detainers exceed ICE’s warrantless arrest authority.<sup>16</sup> Accordingly, many jurisdictions have adopted policies against continued detention of an individual based on immigration detainer requests for at least some categories of noncitizens.<sup>17</sup> Several states, including California, Connecticut and Rhode Island, have statewide laws, executive orders, or policies that limit how much local police can cooperate with detainer requests, and at least 364 counties and 39 cities have policies limiting cooperation with detainers.<sup>18</sup> Some of these jurisdictions will honor immigration detainers only where law enforcement determines that the noncitizen is being held for felony crime, is believed to pose a threat to the community, or meets another specific factor.<sup>19</sup> Some policies state that the jurisdiction will not honor an ICE detainer unless there is a judicial determination of probable cause for that detainer, or a warrant from a judicial officer.<sup>20</sup> Other policies additionally require a prior written agreement with the federal government by which all costs incurred by the jurisdiction in complying with the ICE detainer shall be reimbursed.<sup>21</sup> Some jurisdictions further indicate that local officials should not expend time responding to ICE inquiries regarding a person’s custody status or release date.<sup>22</sup>

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<sup>14</sup> *Id.*; see also *Moreno v. Napolitano*, No. 11 C 5452, 2016 WL 5720465, at \*3 (N.D. Ill. Sept. 30, 2016).

<sup>15</sup> See *infra*, Part IV.A.

<sup>16</sup> See *Moreno*, 2016 WL 5720465 at \*8 (“ICE’s issuance of detainers that seek to detain individuals without a warrant goes beyond its statutory authority to make warrantless arrests under 8 U.S.C. § 1357(a)(2).”).

<sup>17</sup> GARCIA AND MANUEL, *supra* note 9 at 14.

<sup>18</sup> See Jasmine C. Lee, Rudy Omri, and Julia Preston, *What Are Sanctuary Cities?*, N.Y. TIMES, Sept. 3, 2016, available at <http://www.nytimes.com/interactive/2016/09/02/us/sanctuary-cities.html>; see also Immigrant Legal Resource Center, *Detainer Policies*, available at <https://www.ilrc.org/detainer-policies> [hereinafter *ILCR Detainer Policies*].

<sup>19</sup> See, e.g., CONN. GEN. STAT. ANN. § 54-192h.

<sup>20</sup> See, e.g., N.Y. CITY ADMIN. CODE § 9-131 (2014).

<sup>21</sup> See, e.g., Santa Clara, CA, Policy Resolution No. 2011-504, Resolution of the Board of Supervisors of the County of Santa Clara Adding Board Policy 3.54 Relating to Civil Immigration Detainer Requests, (Oct. 18, 2011), available at [https://www.ilrc.org/sites/default/files/resources/santa\\_clara\\_ordinance.pdf](https://www.ilrc.org/sites/default/files/resources/santa_clara_ordinance.pdf).

<sup>22</sup> See, e.g., Cook County, IL Code § 46-37(b): Policy for Responding to ICE Detainers. As discussed below, the types of communications regarding custody status and release dates differ from communications regarding “immigration or citizenship status” contemplated under Section 1373.

Finally, related to policies regarding compliance with detainers, some jurisdictions also limit the ability of ICE or other federal officers to physically access local jails or facilities.<sup>23</sup>

### III. Background on Section 1373 and the Department of Justice’s Recent Guidance

This section provides a background on Section 1373 and guidance issued by the Department of Justice regarding the intersection of Section 1373 and certain DOJ grants. An analysis of Section 1373’s application is provided below in Part IV.D.

Enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Section 1373, 8 U.S.C. § 1373, titled “Communication between Government agencies and the Immigration and Naturalization Service,” forbids the restriction of communications with the federal government regarding “citizenship or immigration status,” and the restriction of the maintenance of such information, and states in relevant part as follows:

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.<sup>24</sup>

Local jurisdictions around the country are eligible for Edward Byrne Memorial Justice Assistance Grants (“JAG”) pursuant to 42 U.S.C. § 3751(a) and funds under the

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<sup>23</sup> *Id.*

<sup>24</sup> 8 U.S.C. § 1373; *see also* IIRIRA § 642(a).

State Criminal Alien Assistance Program (SCAAP) pursuant to 8 U.S.C. § 1231(i). According to the U.S. Department of Justice Office of Justice Programs (“OJP”), “[t]he JAG Program provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement; prosecution and court programs; prevention and education programs; corrections and community corrections; drug treatment and enforcement; crime victim and witness initiatives; and planning, evaluation, and technology improvement programs.”<sup>25</sup> The SCAAP program provides partial reimbursement to state, local, and tribal governments for prior year costs associated with incarcerating qualifying undocumented individuals, namely, those with at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated at least four consecutive days.<sup>26</sup>

On May 31, 2016, the Department of Justice’s (DOJ) Office of the Inspector General (OIG) issued a memorandum to DOJ’s Office of Justice Programs (OJP) analyzing whether ten different state and local laws regarding local enforcement of federal immigration laws violate 8 U.S.C. § 1373 and whether such a violation can disqualify the state or locality from receiving SCAAP and JAG block grant awards.<sup>27</sup> On July 7, 2016, OJP responded to the OIG stating that 8 U.S.C. § 1373 is an “other applicable federal law” that a state or locality must certify that they are in compliance with in order to be eligible for SCAAP and JAG block grant funds. OJP also issued a Question and Answer document relative to Section 1373 and grant recipients, stating in part that “Section 1373 does not impose on states and localities the affirmative obligation to collect information from private individuals regarding their immigration status, nor does it require that states and localities take specific actions upon obtaining such information. Rather, the statute prohibits government entities and officials from taking action to prohibit or in any way restrict the maintenance or intergovernmental exchange of such information, including through written or unwritten policies or practices.”<sup>28</sup>

On October 6, 2016, OJP issued “Additional Guidance Regarding Compliance with 8 U.S.C. § 1373,” stating in part that “[a]uthorizing legislation for the Byrne/JAG grant program requires that all grant applicants certify compliance both with the provisions of that authorizing legislation and all other applicable federal laws. The Office of Justice Programs has determined that 8 U.S.C. § 1373 (Section 1373) is an applicable federal law under the Byrne/JAG authorizing legislation. Therefore, all Byrne/JAG grant applicants must certify compliance with all applicable federal laws, including Section 1373, as part of

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<sup>25</sup> Dep’t of Justice, Office of Justice Programs, BJA-2016-9020, Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year (FY) 2016 Local Solicitation (May 16, 2016), *available at* <https://www.bja.gov/funding/JAGLocal16.pdf>.

<sup>26</sup> *See* 8 U.S.C. § 1231(i).

<sup>27</sup> *See* Dep’t of Justice, Office of the Inspector General, Memorandum: Dep’t of Justice Referral of Allegations of Potential Violations of 8 U.S.C. § 1373 by Grant Recipients (May 31, 2016), *available at* <https://oig.justice.gov/reports/2016/1607.pdf> [hereinafter *OIG Memo*]. This memo was prompted by an inquiry made by Representative John A. Culberson.

<sup>28</sup> *See* Dep’t of Justice, Office of Justice Programs, *Guidance Regarding Compliance with 8 U.S.C. § 1373*, Jul. 7, 2016, *available at* <https://www.bja.gov/funding/8uscsection1373.pdf> [hereinafter *July 7, 2016 Q&A*].

the Byrne/JAG grant application process.”<sup>29</sup> The October 6, 2016 Additional Guidance also stated:

If a recipient is found out of compliance with Section 1373, the recipient must take sufficient and effective steps to bring it into compliance and submit documentation that details the steps taken, contains a validation that the recipient has come into compliance, and includes an official legal opinion from counsel (including related legal analysis) adequately supporting the validation. Failure to remedy any violations could result in a referral to the Department of Justice Inspector General, the withholding of grant funds or ineligibility for future OJP grants or subgrants, suspension or termination of the grant, or other administrative, civil, or criminal penalties, as appropriate.<sup>30</sup>

DOJ’s Office of Community Oriented Policing Services (COPS) also provides grants to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their “community policing” capacity and crime prevention efforts.<sup>31</sup> In its Fiscal Year 2016 Application Guide for the COPS Hiring Program (CHP), the COPS Office stated that “all recipients for this program should understand that if the COPS Office receives information which indicates that a recipient may be in violation of 8 U.S.C. section 1373 (or any other applicable federal law) that recipient may be referred to the DOJ Office of Inspector General for investigation. If the recipient is found to be in violation of an applicable federal law by the OIG, the recipient may be subject to criminal and civil penalties, in addition to relevant DOJ programmatic penalties, including suspension or termination of funds, inclusion on the high-risk list, repayment of funds, or suspension and debarment.”<sup>32</sup>

#### IV. Analysis

This section addresses four issues. First, it addresses constitutional concerns with ICE detainers that have led numerous jurisdictions to make clear that they will not continue to detain individuals pursuant to ICE detainer requests. Second, it addresses the constitutional limitations on congressional or administrative attempts to directly compel local or state jurisdictions to comply with immigration enforcement schemes, namely the

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<sup>29</sup> See Dep’t of Justice, Office of Justice Programs, *Additional Guidance Regarding Compliance with 8 U.S.C. § 1373*, Oct. 6, 2016, available at <https://www.bja.gov/funding/Additional-BJA-Guidance-on-Section-1373-October-6-2016.pdf> [hereinafter *October 6, 2016 Q&A*].

<sup>30</sup> *Id.*

<sup>31</sup> See Dep’t Justice, Office of COPS, *CHRP Background and Award Methodology*, <https://cops.usdoj.gov/Default.asp?Item=2267> (last visited Jan. 11, 2017); see also 42 U.S.C. § 3796dd *et seq.*

<sup>32</sup> Dep’t of Justice, COPS Office FY 2016 Application Guide: COPS Hiring Program (CHP), 2016, available at <https://cops.usdoj.gov/pdf/2016AwardDocs/chp/AppGuide.pdf>.

Tenth Amendment.<sup>33</sup> Third, it addresses similar limitations on congressional or administrative attempts to cut broad sources of federal funds to jurisdictions with policies limiting local enforcement of immigration laws, including under the Tenth Amendment and the Spending Clause of the Constitution.<sup>34</sup> Finally, it addresses DOJ’s guidance with respect to § 1373, and the limited requirements of that section, which only prohibit local and state governments from enacting laws or policies that limit maintenance and communication with DHS about information regarding the “*immigration or citizenship status*” of individuals.

#### A. *Fourth Amendment Concerns Regarding ICE Detainers*

As discussed above, one of the central aspects of local enforcement of federal immigration laws is the use of ICE detainers, a request from ICE that a local agency hold an individual in custody in order to give ICE the opportunity to take the individual into federal custody.<sup>35</sup> Detentions pursuant to ICE detainers, however, have raised numerous constitutional concerns, namely that continued detention under an ICE detainer violates the probable cause requirement of the Fourth Amendment.

The Supreme Court has found that being held in jail, “regardless of its label”—whether it is “termed ‘arrest[]’ or ‘investigatory detention[]’”—is a seizure that triggers the Fourth Amendment’s protections.<sup>36</sup> Courts have also recognized that when a person is kept in custody *after* he or she should otherwise be released, the detention is a new seizure that requires its own Fourth Amendment justification.<sup>37</sup> The Fourth Amendment’s most basic

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<sup>33</sup> The Tenth Amendment to the United States Constitution states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.” U.S. CONST. AMEND. X.

<sup>34</sup> The Spending Clause is found in Article I, Section 8 of the Constitution, and states: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States. U.S. CONST. ART. I, § 8.

<sup>35</sup> Courts have held that an immigration detainer is a request that does not impose any obligation on the receiving jurisdiction. *Galarza v. Szalczyk*, 745 F.3d 634, 641 (3d Cir. 2014) (local law enforcement agencies are free to disregard detainers and cannot use them as a defense of unlawful detention); *Villars v. Kubiatowski*, 45 F.Supp.3d 791, 802 (N.D. Ill. 2014) (federal courts and all relevant federal agencies and departments consider ICE detainers to be requests).

<sup>36</sup> *Dunaway v. New York*, 442 U.S. 200, 215-16 (1979) (internal quotation marks and citations omitted); see also *Brown v. Illinois*, 422 U.S. 590, 605 (1975). Certain brief, limited seizures—called “Terry stops”—can be supported by the lower evidentiary standard of reasonable suspicion. See *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>37</sup> See *Illinois v. Caballes*, 543 U.S. 405, 407-08 (2005) (once the initial reason for a seizure is resolved, officers may not prolong the detention without a new, constitutionally adequate justification); see also *Anaya v. Crossroads Managed Care Sys., Inc.*, 195 F.3d 584, 592 (10th Cir. 1999) (“A legitimate-though-unrelated criminal arrest does not itself give probable cause to detain the arrestee [for a separate civil purpose]”); *Barnes v. Dist. of Columbia*, 242 F.R.D. 113, 118 (D.D.C. 2007) (“Plaintiffs allege that, despite being entitled to release, they were taken back into custody . . .

requirement is that all arrests must be supported by probable cause.<sup>38</sup> Probable cause requires that “the facts and circumstances within . . . the officers’ knowledge and of which they ha[ve] reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.”<sup>39</sup> Probable cause must be based on specific, individualized facts, not generalized suspicion.<sup>40</sup> The Fourth Amendment also requires that at some point, the probable cause “determination must be made by a judicial officer” who can make a neutral and detached assessment.<sup>41</sup> This judicial determination must occur “either before” the seizure in the form of a judicially issued warrant, or “promptly after” the seizure in the form of a probable cause hearing.<sup>42</sup>

Under these precedents, numerous federal courts have found that continued detention under an ICE detainer, absent probable cause, would state a claim for a violation of the Fourth Amendment and subject the detaining officer or jurisdiction to civil liability.<sup>43</sup>

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. [T]hey allege that they essentially were re-arrested or re-seized. These allegations of Fourth Amendment violations are sufficient to survive a motion to dismiss”).

<sup>38</sup> See *Dunaway*, 442 U.S. at 213.

<sup>39</sup> *Brinegar v. United States*, 338 U.S. 160, 175-76 (1949) (internal quotation marks, brackets, and citation omitted).

<sup>40</sup> See, e.g., *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).

<sup>41</sup> *Gerstein v. Pugh*, 420 U.S. 103, 125 (1975). ICE’s predecessor, the INS, responded to comments on proposed changes to 8 C.F.R. § 287.8(c) (“Conduct of arrests”), acknowledging that “[t]he Service is clearly bound by . . . [judicial] interpretations [regarding arrest and post-arrest procedures], including those set forth in *Gerstein v. Pugh*[.]” 59 Fed. Reg. 42406-01 (1994).

<sup>42</sup> *Id.*

<sup>43</sup> See *Morales v. Chadbourne*, 996 F. Supp. 2d 19 (D. R.I.), *aff’d on appeal*, 2015 WL4385945 (1st Cir. 2015) (holding that plaintiff stated a Fourth Amendment claim where she was held for 24 hours on an ICE detainer issued without probable cause); *Galarza v. Szalczyk*, No. 10-6815, 2012 WL 1080020, at \*10, \*13 (E.D. Pa. Mar. 30, 2012) (unpub.) (holding that where plaintiff was held for 3 days after posting bail based on an ICE detainer, he stated a Fourth Amendment claim against both federal and local defendants; it was clearly established that the “detainer caused a seizure” that must be supported by “probable cause”), *rev’d on other grounds*, 745 F.3d 634 (3d Cir. 2014) (holding that the County operating the jail, too, may be liable for violating the Fourth Amendment); *Miranda-Olivares v. Clackamas Cnty.*, No. 12-02317, 2014 WL 1414305, at \*10 (D. Or. Apr. 11, 2014) (holding that plaintiff’s detention on an ICE detainer after she would otherwise have been released “constituted a new arrest, and must be analyzed under the Fourth Amendment;” and resulting in a settlement in the amount of \$30,100); *Mendoza v. Osterberg*, No. 13-65, 2014 WL 3784141, at \*6 (D. Neb. July 31, 2014) (recognizing that “[t]he Fourth Amendment applies to all seizures of the person,” and thus, “[i]n order to issue a detainer[,] there must be probable cause”) (internal quotation marks, ellipses, and citations omitted); *Villars v. Kubiatuski*, 45 F.Supp.3d 791 (N.D. Ill. 2014) (holding that plaintiff stated a Fourth Amendment claim where he was held on an ICE detainer that “lacked probable cause,” and resulting in settlement as to local defendants); *Uroza v. Salt Lake Cnty.*, No. 11-713, 2013 WL 653968, at \*5-6 (D. Ut. Feb. 21, 2013) (holding that plaintiff stated a Fourth Amendment claim where ICE issued his detainer without probable cause; finding it clearly established that “immigration enforcement agents need probable cause to arrest . . . [and] detainees who post bail should be set free in the absence of probable cause to detain them again,” and resulting in settlement as to local defendants in amount of \$75,000); *Vohra v. United States*, No. 04-0972, 2010

These courts have found that local jails must have a warrant or probable cause of a new offense to detain a person after they would otherwise be released from custody.<sup>44</sup>

In 2015, ICE changed its detainer forms in response to court decisions regarding probable cause violations. A revised form, Form I-247D, requests that the state or local enforcement agency “maintain custody of” an individual for a period not to exceed 48 hours “beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody.”<sup>45</sup> The revised form contains boilerplate language stating that “probable cause exists that the subject is a removable alien,” and that “this determination is based on” one of four check-boxes. The revised detainer form does not address the requirement of a prompt judicial probable cause hearing before a neutral judicial officer following arrest.<sup>46</sup>

Further, the generalized categories on the revised detainer form do not establish that ICE has made an *individualized* determination of probable cause based on the facts and circumstances of a particular case, as required under the Fourth Amendment. Additionally, the revised form does not require ICE agents to obtain a judicial warrant before issuing a detainer, and thus the detainer request is lawful *only* if it complies with the statutory limitations on ICE’s warrantless arrest authority.<sup>47</sup> Under the INA, ICE may only make warrantless arrests if ICE has “reason to believe” that the alien “is likely to

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U.S. Dist. LEXIS 34363, \*25 (C.D. Cal. Feb. 4, 2010) (magistrate’s report and recommendation) (“Plaintiff was kept in formal detention for at least several hours longer due to the ICE detainer. In plain terms, he was subjected to the functional equivalent of a warrantless arrest” to which the “‘probable cause’ standard . . . applies”), adopted, 2010 U.S. Dist. LEXIS 34088 (C.D. Cal. Mar. 29, 2010) (unpub). *See also* American Civil Liberties Union, *ICE Detainers and the Fourth Amendment: What Do Recent Federal Court Decisions Mean?* (Nov. 13, 2014), available at [https://www.aclu.org/sites/default/files/assets/2014\\_11\\_13\\_-\\_ice\\_detainers\\_4th\\_am\\_limits.pdf](https://www.aclu.org/sites/default/files/assets/2014_11_13_-_ice_detainers_4th_am_limits.pdf); Immigrant Legal Resource Ctr., *Legal Issues with Immigration Detainers* (Nov. 2016), available at, [https://www.ilrc.org/sites/default/files/resources/detainer\\_law\\_memo\\_november\\_2016\\_updated.pdf](https://www.ilrc.org/sites/default/files/resources/detainer_law_memo_november_2016_updated.pdf).

<sup>44</sup> *See, e.g., Morales*, 793 F.3d at 217 (1st Cir. 2015) (“Because Morales was kept in custody for a new purpose after she was entitled to release, she was subjected to a new seizure for Fourth Amendment purposes— one that must be supported by a new probable cause justification.”); *Vohra*, 2010 U.S. Dist. LEXIS 34363 (C.D. Cal. 2010).

<sup>45</sup> DHS Form I-247D; *see also* 8 C.F.R. §287.7(d) (“Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.”)

<sup>46</sup> The only form of post-arrest review that ICE provides is an examination conducted by a non-judicial enforcement officer within 48 hours after the subject of the detainer is taken into *ICE custody*, not when the individual is held in local custody pursuant to an ICE detainer. *See* 8 U.S.C. § 1357; 8 C.F.R. § 287.3.

<sup>47</sup> *See Moreno v. Napolitano*, No. 11 C 5452, 2016 WL 5720465, \*8 (N.D. Ill. Sept. 30, 2016) (“Defendants do not argue that the changes they invoke warrant decertification as to Plaintiffs’ claim that ICE’s practice of issuing detainers without obtaining a warrant exceeds its statutory authority under 8 U.S.C. § 1357(a)(2). Nor can they.”).

escape before a warrant can be obtained for his arrest.”<sup>48</sup> The revised detainer form, as well as ICE’s policies and practices, do not require *any* individualized determination that an individual is likely to escape before a warrant can be obtained for his arrest.<sup>49</sup> As with probable cause, ICE is required to make an individualized determination of flight risk prior to making a warrantless arrest or requesting that another agency make such arrest on its behalf.

Because the revised detainer request form lacks an individualized determination as to probable cause and risk of flight, any detention subject to an ICE detainer has and would continue to subject individual officers and jurisdictions to potential liability.

**B. Constitutional Implications of Potential Congressional or Administrative Attempts to Directly Compel Local Jurisdictions to Enforce Federal Immigration Laws**

This section addresses federal attempts to directly compel local jurisdictions to enforce federal immigration laws, including ICE detainees.

The relationship between federal immigration priorities and municipal and state action implicates the Tenth Amendment and the Spending Clause of the U.S. Constitution. Should the federal government make attempts to directly compel compliance with certain immigration enforcement provisions, such as immigration detainers, these attempts will face strong challenges under the Tenth Amendment.

The Tenth Amendment provides that “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”<sup>50</sup> In its 1992 decision in *New York v. United States*,<sup>51</sup> the U.S. Supreme Court addressed a congressional attempt to regulate in the area of low-level radioactive waste by providing that states *must* either develop legislation on how to dispose of all low-level radioactive waste generated within the states, or the states would be forced to take title to such waste, making the waste the states’ responsibility. The Court found that Congress had attempted to *require* the states to perform a duty, and thus sought to “commandeer” the legislative process of the states.<sup>52</sup> The Court found that this power was not found in the text or structure of the Constitution, and it was thus a violation of the Tenth Amendment.

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<sup>48</sup> *Id.* at \*4; *see also* 8 U.S.C. § 1357(a)(2).

<sup>49</sup> *Id.* at \*6 (“Defendants acknowledge that, [a]s part of the process of issuing immigration detainers, ICE’s policies and practices do not require any individualized determination that a class member is likely to escape before a warrant can be obtained for his arrest.’ . . . Defendants further admit that, in fact, ‘ICE agents *do not make any determination at all* that the class member is likely to escape before a warrant can be obtained for his arrest.’) (citations and internal quotation marks omitted).

<sup>50</sup> U.S. CONST. AMEND. X.

<sup>51</sup> 505 U.S. 144 (1992).

<sup>52</sup> 505 U.S. at 175-76.

Subsequently, in *Printz v. United States*, the Supreme Court held that Congress could not, in an effort to regulate the distribution of firearms in the interstate market, compel state law-enforcement officials to perform background checks.<sup>53</sup> Under the Brady Handgun Act, Congress sought to temporarily require state and local law enforcement officers to conduct background checks on prospective handgun purchasers within five business days of an attempted purchase.<sup>54</sup> This portion of the act was challenged under the Tenth Amendment, under the theory that Congress was without authority to “commandeer” state executive branch officials. The Supreme Court concluded that commandeering of state executive branch officials, even temporarily, was outside of Congress’s power, and thus a violation of the Tenth Amendment.<sup>55</sup> The Court held that “[t]he Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.”<sup>56</sup>

Thus, under *New York* and *Printz*, a legislative attempt to *directly* compel state and local compliance with immigration enforcement would likely violate the Tenth Amendment and would be struck down by a reviewing court. Under these precedents, it is unlikely that legislation stating that local jurisdictions *shall* comply with requests from ICE to detain individuals will survive a challenge by states or local jurisdictions on Tenth Amendment grounds.<sup>57</sup>

Similarly, regulatory or administrative attempts to compel state and local compliance with immigration detainers would likely fail, given that the courts will apply the same “anti-commandeering” principals to regulations and administrative action. In *Galarza v. Szalczyk*, for example, the Third Circuit Court of Appeals addressed whether detainers issued under a regulation, 8 C.F.R. § 287.7, were mandatory, and found that in light of *New York* and *Printz*, detainers are explicitly not mandatory and that electing not to respond to them is entirely within the discretion of local law enforcement. The *Galarza* Court stated:

[I]t is clear to us that reading § 287.7 to mean that a federal detainer filed with a state or local LEA is a command to detain an individual on behalf of the federal government, would violate the anti-commandeering doctrine of

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<sup>53</sup> 521 U.S. 898, 933-935 (1997).

<sup>54</sup> Brady Handgun Violence Prevention Act, P.L. 103-159, §102.

<sup>55</sup> 521 U.S. at 935.

<sup>56</sup> *Id.*

<sup>57</sup> See also Erwin Chemerinsky, Annie Lai and Seth Davis, *Trump Can't Force 'Sanctuary Cities' to Enforce His Deportation Plans*, WASHINGTON POST, Dec. 22, 2016, available at [https://www.washingtonpost.com/opinions/trump-cant-force-sanctuary-cities-to-enforce-his-deportation-plans/2016/12/22/421174d4-c7a4-11e6-85b5-76616a33048d\\_story.html?utm\\_term=.d69495c29f77](https://www.washingtonpost.com/opinions/trump-cant-force-sanctuary-cities-to-enforce-his-deportation-plans/2016/12/22/421174d4-c7a4-11e6-85b5-76616a33048d_story.html?utm_term=.d69495c29f77) (“Trump insists that he can force states and cities to participate in his plan to deport undocumented immigrants. But this ignores the 10th Amendment, which the Supreme Court has repeatedly interpreted to prevent the federal government from ‘commandeering’ state and local governments by requiring them to enforce federal mandates.”).

the Tenth Amendment. As in *New York* and *Printz*, immigration officials may not compel state and local agencies to expend funds and resources to effectuate a federal regulatory scheme. The District Court’s interpretation of § 287.7 as compelling Lehigh County to detain prisoners for the federal government is contrary to the Federal Constitution and Supreme Court precedents.<sup>58</sup>

As such, any congressional or administrative action seeking to directly compel states or local officers to act would likely fail under the Tenth Amendment.

***C. Constitutional Implications of Potential Congressional or Administrative Attempts to Withhold General Federal Funds from Local Jurisdictions That Do Not Enforce Federal Immigration Laws***

In lieu of legislation or regulations seeking direct compliance with enforcement schemes, Congress may attempt to withhold general federal funds from municipalities and jurisdictions that do not continue to detain individuals pursuant to ICE detainers or take part in other enforcement mechanisms. Congress has made attempts in the past to enact this type of legislation, which would expressly tie various types of federal funding to compliance with immigration detainers and other civil immigration enforcement.<sup>59</sup> For example, S. 3100, introduced in June 2016, would revoke federal funding for Economic Development Administration Grants and the Department of Housing & Urban Development’s Community Development Block Grants programs unless jurisdictions comply with all DHS detainer requests.<sup>60</sup> President-elect Trump has also said that his administration will pursue a policy of blocking *all* federal funding for cities where local law enforcement agencies do not cooperate with ICE agents.<sup>61</sup>

These laws or policies regarding general federal funding will face similar challenges under the Tenth Amendment and the Spending Clause of the U.S. Constitution.

The Spending Clause grants Congress the power “to pay the Debts and provide for the . . . general Welfare of the United States.”<sup>62</sup> Under the Spending Clause, Congress can allocate money to states, private entities, or individuals, and require those recipients to engage in or refrain from certain activities as a condition of receiving and spending that

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<sup>58</sup> 745 F.3d 634, 643 (3d. Cir. 2014).

<sup>59</sup> See, e.g., H.R. 3009, “Enforce the Law for Sanctuary Cities Act”; S.1814, “Stop Sanctuary Cities Act”

<sup>60</sup> Stop Dangerous Sanctuary Cities Act, S. 3100, 114th Cong. (2nd Sess. 2016) (Sec. 4 places limitations on grants through the U.S. Department of Housing and Urban Development’s Community Development Block Grant program (“CDBG”), as well as the U.S. Economic Development Administration).

<sup>61</sup> See, e.g., Donald J. Trump for President, Inc., *Donald J. Trump Contract with the American Voter* (Oct. 22, 2016), <https://www.donaldjtrump.com/press-releases/donald-j.-trump-delivers-groundbreaking-contract-for-the-american-vote1>.

<sup>62</sup> U.S. CONST., Art. I, § 8, cl. 1.

money.<sup>63</sup> However, under precepts of federalism, there are limitations on Congress' ability to apply such requirements to the states. The Supreme Court has scrutinized Spending Clause legislation to ensure that "Congress is not using financial inducements to exert 'a power akin to undue influence.'"<sup>64</sup>

In *South Dakota v. Dole*, the Court considered a challenge to federal law that threatened to withhold five percent of a State's federal highway funds if the State did not raise its drinking age to 21. The Court noted that under the Spending Clause, there are limits to the conditions on the receipt of federal funds: they must be (1) related to the general welfare, (2) stated unambiguously, (3) clearly related to the program's purpose, and (4) not otherwise unconstitutional.<sup>65</sup> The Court asked whether "the financial inducement offered by Congress" was "so coercive as to pass the point at which 'pressure turns into compulsion,'"<sup>66</sup> and, whether the condition was related to the particular national project or program to which the money was being directed.<sup>67</sup> The Court upheld the condition in *Dole*, finding that the amount of money at issue was only "relatively mild encouragement to the States," and that the drinking age condition was "directly related to one of the main purposes for which highway funds are expended—safe interstate travel."<sup>68</sup>

Subsequently, in *National Federation of Independent Business v. Sebelius*, the Supreme Court addressed a provision of the Affordable Care Act (ACA) that would have withheld Medicaid reimbursement to a state unless that state complied with an expansion of its Medicaid program. Under the ACA, if a state did not comply with the Act's coverage requirements, it would lose not only the federal funding for those requirements, but *all* of its federal Medicaid funds.<sup>69</sup> The Court held that the Medicaid expansion *was* unconstitutionally coercive.

Chief Justice Roberts, writing for a plurality, noted that while Congress may use its spending power to create incentives for states to act in accordance with federal policies, Congress may not exert undue influence by compelling states' policy choices. He stated that "[w]hen, for example, such conditions take the form of threats to terminate other significant independent grants, the conditions are properly viewed as a means of pressuring the States to accept policy changes."<sup>70</sup> The Roberts plurality found that in the ACA, Congress had unconstitutionally threatened states with the loss of all of their existing Medicaid funds,

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<sup>63</sup> See *S. Dakota v. Dole*, 483 U.S. 203 (1987).

<sup>64</sup> *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2602 (2012) (citing *Steward Machine Co. v. Davis*, 301 U.S. 548, 590 (1937)).

<sup>65</sup> 483 U.S. at 207-208.

<sup>66</sup> *Id.* at 211 (citing *Steward Machine*, 301 U.S. at 590).

<sup>67</sup> *Id.* at 207-209.

<sup>68</sup> *Id.* at 211.

<sup>69</sup> 132 S. Ct. 2566, 2582.

<sup>70</sup> *Id.* at 2604.

which amounted to a “gun to the head.”<sup>71</sup> The plurality concluded that the threatened loss of all Medicaid funds, which constitute over 10% of a state’s overall budget, left the States with no real option but to acquiesce in the Medicaid expansion.<sup>72</sup>

Further, *Sebelius* also affirms that Congress cannot create a funding condition that is unrelated to the original funding purpose; that is, there must be a relationship between the grant condition and the underlying grant program. By finding that the Medicaid expansion was not a modification of the existing Medicaid program, he rejected Justice Ginsburg’s assertion in her concurrence that *Dole* is distinguishable because in the ACA, “Congress has not threatened to withhold funds earmarked for any *other* program.”<sup>73</sup> Chief Justice Roberts also noted that Congress may not surprise states with post-acceptance or retroactive conditions.<sup>74</sup> Thus, if a policy goal is unrelated to the underlying grant condition, the condition will not survive constitutional scrutiny under the Spending Clause.<sup>75</sup>

Thus, cuts to general federal funds would be examined based on the percentage of the local or state budget threatened and the nexus between the grant condition and the underlying grant program. This doctrine applies to both congressional and executive threats to pull unrelated federal funding for municipalities and jurisdictions that have local laws or policies limiting local enforcement of federal immigration law, such as the honoring of ICE detainers. First, restricting general federal funding would most certainly be coercive: New York City alone could lose \$10.4 billion annually in federal money.<sup>76</sup> Further, general federal funding has no direct connection to immigration enforcement, and certainly has less of a connection or nexus than the Medicaid funding at issue in *Sebelius* to the condition imposed.

The same lack of nexus would apply to unrelated Economic Development Administration (EDA) Grants and the Department of Housing & Urban Development’s Community Development Block Grants (CDBG) contemplated in proposed legislation. EDA funding supports economic development, public works, and other projects with the goal of building durable regional economies, including those in economically distressed areas of the United States.<sup>77</sup> CDBG funds are intended to ensure decent affordable housing, provide

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<sup>71</sup> *Id.* at 2604.

<sup>72</sup> *Id.* at 2605.

<sup>73</sup> *Id.* at 2605; *id.* at 2634 (Ginsburg, J., dissenting)

<sup>74</sup> *Id.* at 2606.

<sup>75</sup> See also KENNETH R. THOMAS, CONG. RESEARCH SERV., THE CONSTITUTIONALITY OF FEDERAL GRANT CONDITIONS AFTER NATIONAL FEDERATION OF INDEPENDENT BUSINESS V. SEBILIUS 15, (July 17, 2012); see also Chemerinsky, Lai and Davis, *supra* note 57 (“Nor can the federal government do indirectly — by threatening to withdraw federal funding from states — what it cannot do directly.”).

<sup>76</sup> See Noah Feldman, *Sanctuary Cities Are Safe, Thanks to Conservatives*, BLOOMBERG, Nov. 29, 2016, available at <https://www.bloomberg.com/view/articles/2016-11-29/sanctuary-cities-are-safe-thanks-to-conservatives>.

<sup>77</sup> U.S. Econ. Dev. Admin., *Overview*, <https://www.eda.gov/about/> (last visited Jan. 11, 2017).

services to vulnerable community members, and expand and retain businesses. Grants are also provided for areas recovering from Presidentially declared disasters, as well as areas affected by housing foreclosures.<sup>78</sup> Project funds have been used for various projects wholly unrelated to immigration, for instance, to help deliver groceries to vulnerable populations in California; construct a shelter for youth experiencing homelessness in Fairbanks, Alaska; and to create a family-friendly park and recreational area in Arlington, Texas.<sup>79</sup>

Finally, the Court in *Dole* held that Congress’ Spending Clause power “may not be used to induce the States to engage in activities that would themselves be unconstitutional. Thus, for example, a grant of federal funds conditioned on invidiously discriminatory state action . . . would be an illegitimate exercise of the Congress’ broad spending power.”<sup>80</sup> With respect to any federal legislation or action withholding funds unless a jurisdiction complies with detainers, a growing number of courts have recognized that DHS, state, and local officials may be held liable for causing wrongful detentions under a detainer in violation of the Fourth Amendment.<sup>81</sup> The current Secretary of DHS has acknowledged the “increasing number of federal court decisions that hold that detainer-based detention by state and local law enforcement agencies violates the Fourth Amendment.”<sup>82</sup> As such, any legislation or administrative attempts to tie funding to compliance with ICE detainers could face this additional challenge.

It should be noted, however, that despite this analysis, the federal government or the incoming administration could attempt to withhold generalized federal funds pending legal challenges, affecting the budgets of local and state governments or agencies.

#### **D. Section 1373 and the Department of Justice’s Position on Certification of Compliance**

As discussed above, following a memo issued by the DOJ Office of the Inspector General (OIG), DOJ’s Office of Justice Programs (OJP) and Office of Community Oriented Policing Services (COPS) have issued guidance that they consider 8 U.S.C. § 1373 an applicable federal law with which grant applicants must certify compliance.

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<sup>78</sup> U.S. Dep’t of Hous. and Urban Dev., *Cmty. Dev. Block Grant Program – CDBG*, [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/communitydevelopment/programs](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs) (last visited Jan. 11, 2017).

<sup>79</sup> U.S. Dep’t of Hous. and Urban Dev., *CDBG Project Profiles*, <https://www.hudexchange.info/community-development/project-profiles/> (last visited Jan. 11, 2017).

<sup>80</sup> *Dole*, 483 U.S. at 210–11.

<sup>81</sup> See, e.g., *Miranda-Olivares v. Clackamas Cty.*, No. 3:12-CV-02317-ST, 2014 WL 1414305, at \*11 (D. Or. Apr. 11, 2014) (“There is no genuine dispute of material fact that the County maintains a custom or practice in violation of the Fourth Amendment to detain individuals over whom the County no longer has legal authority based only on an ICE detainer which provides no probable cause for detention.”); See also *Moreno v. Napolitano*, Case No. 11 C 5452, 2014 WL 4814776 (N.D. Ill. Sept. 29, 2014) (denying judgment on the pleadings to the government on plaintiffs’ claim that ICE’s detainer procedures violate probable cause requirements).

<sup>82</sup> See Secure Communities Letter, *supra* note 12 at 2 n.1.

Thus far, neither the memo issued by OIG nor guidance issued by OJP or COPS has concluded that any jurisdiction's policy with respect to local enforcement of federal immigration laws is in violation of § 1373, nor does either recommend the withholding of any grants. Further, the OIG memo and grant-related guidance issued by OJP and COPS appear to be at odds with the recommendations of the President's 21<sup>st</sup> Century Policing Task Force, which states that law enforcement agencies "should build relationships based on trust with immigrant communities."<sup>83</sup> In order to do that, the Task Force recommends "[d]ecoupl[ing] federal immigration enforcement from routine local policing for civil enforcement and nonserious crime," and that DHS "should terminate the use of the state and local criminal justice system, including through detention, notification, and transfer requests, to enforce civil immigration laws against civil and non-serious criminal offenders."<sup>84</sup> However, the Task Force was convened by the outgoing administration, and is not binding in any event.

*i. Section 1373's Limited Application*

Section 1373 has limited application. It states in relevant part that "a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [DHS] information regarding the citizenship or immigration status, lawful or unlawful, of any individual."<sup>85</sup> It also prohibits restrictions on "[m]aintaining such information."<sup>86</sup>

By its terms, the statute in pertinent part only prohibits local and state governments and agencies from enacting laws or policies that limit communication with DHS about information regarding the "*immigration or citizenship status*" of individuals.<sup>87</sup> The statute does *not* prohibit laws or policies that limit communications regarding criminal case information, custody status, or release dates of individuals in local or state custody.

The statute also does not compel compliance with ICE detainers or prohibit policies or laws regarding compliance with ICE detainers. As discussed above, in addition to their questionable constitutionality under the Fourth Amendment, detainers *cannot* be mandatory under federalism principles and the Tenth Amendment,<sup>88</sup> and nothing in § 1373 or the guidance issued by DOJ changes that analysis.

Section 1373 also does not impose any affirmative obligation on local law enforcement to *collect* information regarding immigration or citizenship status, nor does it

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<sup>83</sup> FINAL REPORT ON PRESIDENT'S TASK FORCE ON 21<sup>ST</sup> CENTURY POLICING, 1.9 Recommendation: Law enforcement agencies should build relationships based on trust with immigrant communities. This is central to overall public safety, p. 18, *available at* [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

<sup>84</sup> *Id.*

<sup>85</sup> 8 U.S.C. § 1373.

<sup>86</sup> *Id.* Since local governments are not required to maintain such information, the ban on restricting the maintenance of such information is of less significance.

<sup>87</sup> *Id.* (emphasis added).

<sup>88</sup> *See supra* Part IV.B.

prevent any local jurisdiction from enacting a law or ordinance instructing local employees not to collect such information. Nor does the statute affirmatively obligate local law enforcement to assist ICE in collecting such information through jail visits or interviews, or prohibit policies restricting ICE access to local jails or facilities. The statute only bars prohibitions on government entities from maintaining or sharing *citizenship or immigration status* information.

Thus, unless a local jurisdiction’s policies or laws specifically limit communication with DHS about an individual’s *citizenship or immigration status*, or affirmatively forbids the maintenance of information, the jurisdiction would be in compliance with the plain terms of 8 USC § 1373.

Further, under the prior program of Secure Communities, and under DHS’s current Priority Enforcement Program (PEP), when an individual is arrested and booked by a law enforcement officer for a criminal violation and his or her fingerprints are submitted to the FBI for criminal history and warrant checks, the same biometric data is also sent to ICE to check against immigration databases so that ICE can determine whether the individual is a priority for removal.<sup>89</sup> Given this reality, it is unclear whether in practice local officials do actually prohibit local government entities or officials from sharing information regarding immigration status or citizenship to ICE.

*ii. Challenges Involving Section 1373*

Section 1373 has been found by at least one court to be valid under the Tenth Amendment. The City of New York and Mayor Rudolph Giuliani challenged the statute after it was passed in 1996, in light of the City’s 1989 Executive Order which prohibited any City officer or employee from transmitting information regarding the immigration status of any individual to federal immigration authorities except under certain circumstances.<sup>90</sup> The City brought a facial challenge to § 1373, arguing that it violated the Tenth Amendment because it forbid state and local government entities from controlling the use of information regarding immigration status, and that interference with a state’s control over its own workforce was outside Congress’s plenary power over immigration.<sup>91</sup> Citing *New York* and *Printz*, the Second Circuit found that in § 1373:

Congress has not compelled state and local governments to enact or administer any federal regulatory program. Nor has it affirmatively conscripted states, localities, or their employees into the federal government’s

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<sup>89</sup> See U.S. ICE, *Priority Enforcement Program Overview*, <https://www.ice.gov/pep> (last visited Jan. 11, 2017).

<sup>90</sup> See *City of New York v. U.S.*, 179 F.3d 29, 31 (2d Cir. 1999). The City also challenged a similar provision codified at 8 U.S.C. § 1644, passed as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which states that “Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.”

<sup>91</sup> *City of New York*, 179 F.3d at 33.

service. These Sections do not directly compel states or localities to require or prohibit anything. Rather, they prohibit state and local governmental entities or officials only from directly restricting the voluntary exchange of immigration information with the INS.<sup>92</sup>

The Court in *City of New York* also found that the City had failed to show that § 1373 constituted an impermissible intrusion on the City's authority to control the use of confidential information and to determine how such information will be handled by City employees, because the City's Executive Order was the only city policy the City claimed was affected. The Court, however, stated that “[w]hether these Sections would survive a constitutional challenge in the context of generalized confidentiality policies that are necessary to the performance of legitimate municipal functions and that include federal immigration status is not before us and we offer no opinion on that question.<sup>93</sup> In the wake of the Second Circuit's decision, the City of New York revoked its Executive Order and put in place a new order (Executive Order 41) which incorporated privacy protections for immigration-related information into a more generalized privacy policy that applies to a broader category of information in a variety of contexts.<sup>94</sup>

While the Second Circuit found § 1373 to be valid under the Tenth Amendment in *City of New York*, the decision makes clear that while § 1373 prohibits state and local governments from placing restrictions on the reporting of immigration status, it does not actually mandate that states or localities take any affirmative action.<sup>95</sup> This finding has been made by other courts as well.<sup>96</sup> For example, in *Sturgeon v. Bratton*, a resident of Los Angeles brought a challenge in California state court to the validity of the policy of the Los Angeles Police Department (LAPD) which stated that “[o]fficers shall not initiate police action where the objective is to discover the alien status of a person,” and that “[o]fficers shall neither arrest nor book persons for violation of” the federal illegal reentry statute.<sup>97</sup> The plaintiff alleged that the LAPD policy violated the Supremacy Clause of the U.S. Constitution because it was in direct conflict with § 1373.<sup>98</sup> The Court found no conflict because the LAPD policy said nothing about communication with ICE, the only topic

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<sup>92</sup> *Id.* at 35.

<sup>93</sup> *Id.* at 37.

<sup>94</sup> N.Y.C., N.Y., Exec. Order No. 41 §§1-2: City-Wide Privacy Policy and Amendment of Exec. Order No. 34 Relating to City Policy Concerning Immigrant Access to City Servs, (Sept. 17, 2003), available at <http://www.nyc.gov/html/dfta/downloads/pdf/EO41.pdf> [hereinafter *N.Y. Exec. Order*]; see also Elizabeth M. McCormick, *Federal Anti-Sanctuary Law: A Failed Approach to Immigration Enforcement and A Poor Substitute for Real Reform*, 20 LEWIS & CLARK L. REV. 165, 188-89 (2016).

<sup>95</sup> *City of New York*, 179 F.3d at 35 (“These Sections do not directly compel states or localities to require or prohibit anything.”).

<sup>96</sup> See *Doe v. City of N.Y.*, 19 Misc. 3d 936, 940, 860 N.Y.S.2d 841, 844 (Sup. Ct. 2008), *aff'd*, 67 A.D.3d 854, 890 N.Y.S.2d 548 (2009) (“However, while said provision prohibits state and local governments from placing restrictions on the reporting of immigration status, it does not impose an affirmative duty to make such reports.”).

<sup>97</sup> 95 Cal. Rptr. 3d 718, 722 (Ct. App. 2009); see also LAPD Special Order 40 (SO40) (1979).

<sup>98</sup> *Id.*

addressed by § 1373, and § 1373 said nothing about initiation of police action or arrests for illegal entry.<sup>99</sup>

Further, *City of New York* did not address provisions that prohibit the gathering, rather than the sharing of confidential immigration-related information. New York City’s Executive Order 41, for example, prohibits city employees, except in limited circumstances, from inquiring about immigration status,<sup>100</sup> and such a policy does not conflict with the plain terms of § 1373.

iii. *Authority to Require Certification with Compliance of Mandate Training*

DOJ has not provided specific authority under which the SCAAP or COPS reimbursement or grant programs will seek to require certification of compliance with § 1373. With respect to the SCAAP program, the statutory provision, does not require certification of compliance with any specific federal laws, including § 1373,<sup>101</sup> and there are no specific implementing regulations for the SCAAP program. Similarly, the statutory provision regarding COPS grants, including the COPS Hiring Program,<sup>102</sup> does not contain a requirement for certification of compliance with any specific federal laws, including § 1373, and the regulations regarding the COPS program do not contain any provisions regarding conditions for COPS Hiring Program grants, including compliance with § 1373.<sup>103</sup>

With respect to JAG grants, the statute and regulations do require a certification of compliance with the JAG statutory provisions and “all other applicable Federal laws.”<sup>104</sup> However, the phrase “all other applicable Federal laws” is not defined in the statute or regulations.

None of the three programs, SCAAP, COPS, or JAG, have legislative or regulatory provisions specifically authorizing DOJ to mandate that local jurisdictions provide guidance or training to their personnel, as contemplated by the DOJ guidance on JAG Grants.<sup>105</sup> Such requirements would likely raise similar Tenth Amendment or Spending Clause considerations raised above.

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<sup>99</sup> 95 Cal. Rptr. 3d at 731-32.

<sup>100</sup> N.Y., Exec. Order No. 41, §§3-4.

<sup>101</sup> 8 U.S.C. § 1231(i).

<sup>102</sup> 42 U.S.C. § 3796dd *et seq.*

<sup>103</sup> 28 C.F.R. § 92 *et seq.*

<sup>104</sup> 42 U.S.C. § 3752(5); *see* 28 C.F.R. § 33.41(f)(5).

<sup>105</sup> *See supra* note 28, July 7, 2016 Q & A (“Your personnel must be informed that notwithstanding any state or local policies to the contrary, federal law does not allow any government entity or official to prohibit the sending or receiving of information about an individual’s citizenship or immigration status with any federal, state or local government entity and officials.”).

V. Conclusion

Cities and states have various policies regarding local enforcement of federal immigration laws, and the expenditure of local resources on cooperation with ICE enforcement programs. These policies seek to preserve trust between local law enforcement organizations and the communities they serve, which is undermined when individuals fear that local law enforcement will enforce federal immigration laws. These policies also seek to preserve the limited financial resources available to state and local governments. Though they take many forms, these policies include limitations on local law enforcement making arrests based on immigration violations, limitations on local law enforcement gathering information about immigration status, compliance with ICE detainers, and sharing certain information with ICE, including an individual's custody status or release date from local custody.

Any future efforts by the federal government to limit or defeat these local policies will likely face challenges under the Tenth Amendment and Spending Clause of the Constitution. Any attempts to directly compel local law enforcement to comply with ICE detainers or other enforcement provisions are likely to be struck down. Attempts to cut off all federal funding to jurisdictions with local policies limiting local enforcement will likely be found to exceed Congressional power under the Spending Clause, as will attempts to cut off large, general grants unrelated to immigration enforcement.

While § 1373 has been found by at least one court to be valid under the Tenth Amendment, its pertinent language is limited to prohibiting local and state governments from enacting laws or policies that limit communication with DHS about information regarding the "*immigration or citizenship status*" of individuals. It does not mandate any affirmative action on the part of local officials. Unless a local jurisdiction's policies or laws specifically limit communication with DHS about and individual's *citizenship or immigration status*, or prohibit the "maintaining" (but not the collecting) of such information, the jurisdiction would be in compliance with the plain terms of 8 USC § 1373.

**ILRC Detainer memo.pdf**

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## I. Introduction

This brief memo discusses immigration detainers and how recent federal court decisions have interpreted them. These decisions have major ramifications for the way that local law enforcement must respond to detainers, and require significant changes in historic practices of cooperation with federal immigration authorities.

### A. Immigration detainers are not a legally valid basis for detention.

Several federal courts have reviewed the legality of immigration detainers and found major legal and constitutional deficiencies:

1. Federal courts agree that holding someone on a detainer after they have concluded their local or state custody constitutes a new arrest that must meet Fourth Amendment requirements.<sup>1</sup> As discussed further below, most holds pursuant to ICE detainers do not satisfy the Fourth Amendment.
2. An immigration detainer is a voluntary request that does not impose any obligation on the receiving jurisdiction.<sup>2</sup> Therefore a jail cannot evade responsibility for unlawful detention by claiming the federal government obligated them to hold the person on an immigration detainer.<sup>3</sup>
3. A jail must have a warrant or probable cause of a new offense to detain a person after they would otherwise be released from custody.<sup>4</sup> As discussed further below, an immigration detainer is not a warrant, and the initiation of investigation indicated on some detainers does not, federal courts have found, provide a legal basis for detention.<sup>5</sup> Even a few minutes of detention may be a Fourth Amendment violation if there is no sufficient justification for detaining the person or prolonging the stop.<sup>6</sup>

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<sup>1</sup> See *Morales v. Chadbourne*, 996 F. Supp. 2d 19 (D.R.I. 2014) *aff'd in part, dismissed in part*, 793 F.3d 208, 215-216 (1st Cir. 2015); *Miranda-Olivares v. Clackamas County*, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D.Or. April 11, 2014); *Vohra v. United States*, 2010 U.S. Dist. LEXIS 34363 (C.D. Cal. 2010).

<sup>2</sup> *Galarza v. Szalczyk*, 745 F.3d 634, 641 (3d Cir. 2014) (local law enforcement agencies are free to disregard detainers and cannot use them as a defense of unlawful detention); *Morales v. Chadbourne*, 996 F. Supp. 2d 19, 40 (D.R.I. 2014), *aff'd in part, dismissed in part*, 793 F.3d 208 (1st Cir. 2015) (“The language of both the regulations and case law persuade the Court that detainers are not mandatory and the RIDOC should not have reasonably concluded as such.”); *Villars v. Kubiowski*, 45 F.Supp.3d 791, 802 (N.D. Ill. 2014) (federal courts and all relevant federal agencies and departments consider ICE detainers to be requests).

<sup>3</sup> *Id.*

<sup>4</sup> See, e.g., *Morales v. Chadbourne*, 793 F.3d 208, 217 (1st Cir. 2015) (“Because Morales was kept in custody for a new purpose after she was entitled to release, she was subjected to a new seizure for Fourth Amendment purposes—one that must be supported by a new probable cause justification.”); *Vohra v. United States*, 2010 U.S. Dist. LEXIS 34363 (C.D. Cal. 2010) (“Plaintiff was kept in formal detention for at least several hours longer due to the ICE detainer. In plain terms, he was subjected to the functional equivalent of a warrantless arrest.”).

<sup>5</sup> *Morales v. Chadbourne*, 996 F. Supp. 2d 19 (D.R.I. 2014) (finding immigration detainer for investigation is a “facially invalid request to detain”); *Miranda-Olivares v. Clackamas Co.*, No. 3:12-cv-02317-ST at \*17 (D.Or. April 11, 2014) (holding county liable for unlawful seizure without probable cause, based on an immigration detainer); *Vohra v. United States*, 2010 U.S. Dist. LEXIS 34363 (C.D. Cal. 2010). See also Christopher N. Lasch, *Federal Immigration Detainers After Arizona v. United States*, 46 Loy. L.A. L. Rev. 629, 686 fn. 308 (2013) (explaining how immigration detainers are different from administrative immigration warrants).

<sup>6</sup> See *Rodriguez v. United States*, 135 S.Ct. 1609 (2015); *Arizona v. United States*, 132 S.Ct. 2492, 2509 (2012) (delaying release to investigate immigration status raises constitutional concerns).

4. The Northern District of Illinois has ruled that detainers issued out of the Chicago Field Office (covering at least six states and sometimes more) because they exceed ICE's own statutory arrest authority, although a request for a stay of the order revoking all the detainers has been filed, pending an appeal.<sup>7</sup> This holding so far only applies to the Chicago Field Office, but its analysis is national, so any jail holding people on ICE detainers is risking liability for that detention.
5. Local jails and sheriffs have been held liable for unlawful detention and violation of the detainee's Fourth Amendment rights because of unlawful detention based on ICE holds.<sup>8</sup> Moreover, many jails have been held liable or forced to settle with U.S. citizens that they unlawfully held on immigration detainers.<sup>9</sup>

**B. As a new arrest, detention on ICE detainers implicates other fundamental constitutional and statutory requirements arising from the Fourth Amendment.**

Arrests for suspected violations of federal immigration law, which include detention in a local jail based on an ICE detainer, must meet Fourth Amendment requirements.<sup>10</sup> Because holding someone on an immigration detainer beyond their release date is a new arrest, the various requirements of the Fourth Amendment apply. This includes the requirement of probable cause or a warrant issued by a neutral magistrate, and in the case of a warrantless arrest, the requirement that the detainee be brought before a neutral magistrate within 48 hours of arrest.<sup>11</sup> In addition, the Immigration and Nationality Act provides warrantless civil immigration arrest authority to immigration officials only when the individual is likely to escape before a warrant can be obtained.<sup>12</sup> ICE detainers fail to meet most or all of these basic requirements.

1. Detainer is not a Warrant and Lacks Sufficient Probable Cause

In 2015, ICE changed its detainer forms because of the above court decisions, adding language regarding probable cause to the new I-247D form. Whether the boilerplate checkboxes claiming probable cause can meet the standard of "particularized suspicion" that is central to the Fourth Amendment is still in

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<sup>7</sup> *Jimenez-Moreno v. Napolitano*, No. 1:11-cv-05452, Docket Entry 230 at 16-17 (N.D. Ill. Sept. 30, 2016).

<sup>8</sup> *Miranda-Olivares v. Clackamas Co.*, No. 3:12-cv-02317-ST (D.Or. April 11, 2014) (holding county liable for unlawful detention based solely on an immigration detainer). *See also Harvey v. City of New York*, No. 07-0343 (E.D.N.Y. filed Jan. 16, 2007) (settled for money damages); *Cacho v. Gusman*, No. 11-0225 (E.D. La. filed February 2, 2011) (same); *Quezada v. Mink*, No. 10-0879 (D. Co. filed Apr. 21, 2010) (same); *Ramos-Macario v. Jones*, No. 10-0813 (M.D. Tenn. filed Aug. 30, 2010) (same).

<sup>9</sup> *See, e.g., Galarza v. Szalczyk*, No. 10-06815 \*10 (E.D. Pa. filed Sept. 28 2012), *Mendoza v. Osterberg*, 2014 WL 3784141 (District of Nebraska, 2014); *Castillo v. Swarski*, No. C08-5683 (W.D.Wa. Nov. 13, 2008); *Wiltshire v. United States*, Nos. 09-4745, 09-5787 (E.D. Pa. Oct. 16, 2009); *Jimenez v. United States*, No. 11-1582 (S.D. Ind. filed Nov. 30, 2011).

<sup>10</sup> *See Morales v. Chadbourne*, 793 F.3d 208, 215 (1st Cir. 2015) ("It was thus clearly established well before [plaintiff] was detained in 2009 [on an immigration detainer] that immigration stops and arrests were subject to the same Fourth Amendment requirements that apply to other stops and arrests . . ."). *See also United States v. Brignoni-Ponce*, 422 U.S. 873, 886 (1975) (Fourth Amendment applies to immigration stops); *Uroza v. Salt Lake Cnty.*, No. 11-cv-713, 2013 WL 653968, at \*6 (D. Utah Feb. 21, 2013) ("The proposition that immigration enforcement agents need probable cause to arrest pursuant to 8 U.S.C. § 1357(a)(2) and in accordance with the Fourth Amendment has been established in the Tenth Circuit since 1969.").

<sup>11</sup> *See, e.g., Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975).

<sup>12</sup> 8 U.S.C. § 1357(a); *Arizona v. United States*, 132 S.Ct. 2492, 2505-07 (2012).

question.<sup>13</sup> ICE officials have admitted in recent depositions that ICE has not changed its procedures for determining if or when to issue a detainer.<sup>14</sup>

Certainly there is still no procedure under which a detainer is based on oath or affirmation and reviewed by a neutral magistrate, as is required under the Fourth Amendment to issue a valid warrant.<sup>15</sup> Therefore, immigration detainers are still not warrants, and any detention based on an immigration detainer is a warrantless arrest.<sup>16</sup> And warrantless arrest authority is limited by both immigration law and the Fourth Amendment.

## 2. Fourth Amendment Requires Review by a Neutral Magistrate

Bedrock Constitutional principles require that a person arrested without a warrant must be brought before a judge or neutral magistrate within 48 hours.<sup>17</sup> There is no reason that individuals subjected to warrantless arrest based on an immigration detainer would be different.<sup>18</sup> But currently both local agencies and ICE fail to obtain any neutral review of these arrests. Local jails make the arrest and then merely transfer the person to a different enforcement agency: ICE. ICE brings arrested immigrants into its own custody and provides no hearing to review the basis for arrest before a neutral adjudicator of any kind. Rather than a judge, another ICE officer conducts an “examination” of the arrestee, and decides whether to continue to detain the person.<sup>19</sup>

Supreme Court precedent clearly requires an independent or neutral evaluation, not merely a different officer or agency.<sup>20</sup> Therefore, local jails who arrest people on immigration detainers without bringing

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<sup>13</sup> *Maryland v. Pringle*, 540 U.S. 366, 371 (2003). See also *Vohra*, 2010 U.S. Dist. LEXIS 34363 at \*29 (doubting that an admission of foreign birth and lack of database results showing legal status amounted to probable cause for immigration arrest).

<sup>14</sup> *Gonzalez v. ICE*, No. 12-09012 (C.D. Cal. filed July 10, 2013), Deposition of Marc Rapp, Mar. 10, 2016, p. 109.

<sup>15</sup> U.S. CONST. amend. IV (“ . . . no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”); *Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975).

<sup>16</sup> See *Morales*, 996 F. Supp. 2d at 39; *Miranda-Olivares*, No. 3:12-cv-02317-ST at \*29; *Vohra*, 2010 U.S. Dist. LEXIS 34363 at \*24.

<sup>17</sup> *Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975); *County of Riverside v. McLaughlin*, 500 U.S. 44, 56 (1991). See also *Arias v. Rogers*, 676 F.2d 1139, 1142-43 (7th Cir. 1982) (finding, pursuant to 8 U.S.C. § 1357(a)(2) and the Fourth Amendment, that subsequent to a warrantless immigration arrest, an arrestee must be brought without unnecessary delay before an immigration adjudicator for a probable cause hearing).

<sup>18</sup> See *Buquer v. Indianapolis*, 797 F. Supp. 2d 905, 918-19 (S.D. Ind. 2011) (preliminary injunction), *affirmed in Buquer*, No. 1:11-cv-00708, 2013 WL 1332158, at \*10 (permanently enjoining Indiana state law that allowed local jails to detain based on immigration holds, finding that it violates the Fourth Amendment because, among other reasons, “[t]here is no mention of any requirement that the arrested person be brought forthwith before a judge for consideration of detention or release.”).

<sup>19</sup> 8 C.F.R. § 287.3(a). Immigration judges have authority to grant bond, but not to review the basis for the arrest in the manner of a probable cause hearing, or even to review a written statement from ICE about the basis for arrest. Immigration judges do not issue or review immigration detainers.

<sup>20</sup> *Gerstein*, 420 U.S. at 114; *Shadwick v. City of Tampa*, 407 U.S. 345, 348 (1972) (“[S]omeone independent of the police and prosecution must determine probable cause.”); *Coolidge v. New Hampshire*, 403 U.S. 443 (1971). See also *Lopez v. City of Chicago*, 464 F.3d 711, 718 (7th Cir. 2006) (“[W]hether the arresting officer opts to obtain a warrant in advance or present a person arrested without a warrant for a prompt after-the-fact *Gerstein* hearing, the Fourth Amendment requires a *judicial* determination of probable cause.”); *Crane v. Texas*, 759 F.2d 412, 422 (5th Cir. 1985) (finding Dallas County’s *capias* warrant procedures invalid for lack of issuance “after a determination by a neutral magistrate of probable cause”).

them before a judge appear to be violating the inmates' Fourth Amendment rights. It is also doubtful that ICE's own procedures pass Constitutional muster.<sup>21</sup>

### 3. Detainer Exceeds Statutory Arrest Authority

Arrest on a detainer without a warrant exceeds the statutory arrest authority in the Immigration and Nationality Act.<sup>22</sup> In *Jimenez-Moreno v. Napolitano*, the Northern District of Illinois found: "The bottom line is that, because immigration officers make no determination whatsoever that the subject of a detainer is likely to escape upon release before a warrant can be obtained, ICE's issuance of detainers that seek to detain individuals without a warrant goes beyond its statutory authority to make warrantless arrests under 8 U.S.C. § 1357(a)(2)."<sup>23</sup>

The INA provides that "[a]ny officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—to arrest any alien in the United States, if he has reason to believe<sup>24</sup> that the alien so arrested is in the United States in violation of any such law or regulation *and is likely to escape before a warrant can be obtained for his arrest.*"<sup>25</sup> This requirement of a determination of the risk of escape is not just verbiage. The Supreme Court held officers to this constraint in *Arizona v. United States*, finding that Arizona's enforcement statute was preempted because it purported to give Arizona law enforcement unlimited warrantless arrest authority, exceeding ICE's own warrantless arrest authority, which is limited to situations when there is a likelihood of escape before a warrant can be obtained.<sup>26</sup>

Therefore, under the INA, ICE may only make warrantless arrests when (1) it has probable cause for the arrest and (2) it has determined the subject "is likely to escape before a warrant can be obtained for his arrest."<sup>27</sup> A person detained in a jail is not likely to escape before a warrant can be obtained.<sup>28</sup> They cannot go anywhere. Thus arresting such a person without a warrant exceeds the statutory requirements

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<sup>21</sup> *Id.*

<sup>22</sup> *Jimenez-Moreno v. Napolitano*, No. 1:11-cv-05452, Docket Entry 230 at 16-17 (N.D. Ill. Sept. 30, 2016) (ruling that all detainers issued out of the Chicago Field Office are invalid) (stay pending appeal filed Oct. 26, 2016).

<sup>23</sup> *Id.* at 15-16.

<sup>24</sup> Federal courts agree the "reason to believe" in the immigration statutes is the same standard as "probable cause." *Morales v. Chadbourne*, 793 F.3d at 216 (citing cases).

<sup>25</sup> 8 U.S.C. § 1357(a)(2) (emphasis added).

<sup>26</sup> *Arizona*, 132 S.Ct. at 2505-07. (If no federal warrant has been issued, . . . [ICE] officers have more limited authority.").

<sup>27</sup> 8 U.S.C. § 1357(a)(2)". See e.g., *Jimenez-Moreno v. Napolitano*, No. 1:11-cv-05452 at 2 (holding ICE detainers invalid for exceeding ICE's statutory authority because there was no determination of likelihood of escape); *De La Paz v. Coy*, 786 F.3d 367, 376 (5th Cir. 2015) ("[E]ven if an agent has reasonable belief, before making an arrest, there must also be "a likelihood of the person escaping before a warrant can be obtained for his arrest."); *United States v. Cantu*, 519 F.2d 494, 496-97 (7th Cir. 1975) (holding that the statutory requirement of likelihood of escape in 8 U.S.C. § 1357 "is always seriously applied"); *Mountain High Knitting, Inc. v. Reno*, 51 F.3d 216, 218 (9th Cir. 1995) (holding that the statute requires an individualized determination of flight risk); *Westover v. Reno*, 202 F.3d 475, 479-80 (1st Cir. 2000) (commenting that an immigration arrest was "in direct violation" of § 1357(a)(2) because "[w]hile INS agents may have had probable cause to arrest Westover by the time they took her into custody, there is no evidence that Westover was likely to escape before a warrant could be obtained for her arrest").

<sup>28</sup> *Jimenez-Moreno v. Napolitano*, No. 1:11-cv-05452 at 12-13 ("[I]t goes without saying that a potentially removable alien who is in the custody of an LEA is not likely to evade detention by ICE during the period of custody. Nor can it be the case that, simply by being potentially removable, an alien must be deemed to be likely to evade detention by ICE.")

and limitations for immigration arrests,<sup>29</sup> and local jails who make the arrest by holding a person on an ICE detainer may be liable.

4. Due Process Requires Notice and an Opportunity to be Heard

Finally, a person whose liberty is restrained must have notice and an opportunity to challenge their detention.<sup>30</sup> Holding people on detainers also fails this basic due process requirement. Although immigration detainer forms request the receiving agency to serve a copy of the form on the subject, this is rarely actually done, and many jails lack any procedures to review the validity or the choice to comply with a detainer. But local jails may be liable for due process violations where they fail to provide notice of the lodging of an immigration detainer or an opportunity to challenge it.<sup>31</sup>

**II. Jails that continue to detain individuals based on immigration detainers risk liability for Fourth Amendment and Due Process violations.**

Although ICE changed the language on their detainer forms in 2015, fundamental problems remain. Detention based on an ICE detainer is still a warrantless arrest and may not be based on probable cause. Because someone in jail is almost by definition unlikely to escape, the arrest exceeds the statutory authority for immigration arrests. There is no review of the basis for the arrest by a neutral magistrate, either before or shortly after the seizure occurs. And the lack of notice of a detainer or a meaningful opportunity to challenge it may violate due process.

Furthermore, ICE does not indemnify or otherwise assist any jail that is sued for unlawful detention at ICE's request.<sup>32</sup> Rather, the changes to the detainer forms in 2015 were designed to shield ICE from further liability. Instead of developing constitutionally adequate procedures to issue warrants when requesting a custody transfer from local jails, ICE changed the wording on its standard detainer form, choosing to encourage local jails to continue enforcing unlawful detainers.

As a result, local jails should avoid holding any individuals on immigration detainers beyond the time that their state custody has ended. There is no legal obligation upon jails to comply with ICE detainers. In contrast, the law appears to forbid it. Jails must uphold the constitutional rights of all inmates in their custody, and therefore should not detain anyone on immigration detainers unless or until they are supported by a valid federal warrant issued by a judge.

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<sup>29</sup> *Arizona*, 132 S.Ct. at 2505-07; *Jimenez-Moreno v. Napolitano*, No. 1:11-cv-05452 at 16-17.

<sup>30</sup> *See, e.g., Zinermon v. Burch*, 494 U.S. 113 (1990).

<sup>31</sup> *See Morales v. Chadbourne*, 996 F. Supp. 2d 19, (D.R.I. 2014).

<sup>32</sup> *See* Brief in Opposition to Defendant Wall's Motion for Summary Judgement of Cross-Claim, *Morales v. Chadbourne*, 1:12-cv-00301, Doc. 172, (D. RI. filed Nov. 13, 2015) (disclaiming any liability to Rhode Island on cross claim where ICE issued detainer against naturalized U.S. citizen).

**SB 791\_FAV\_ACLUMD.pdf**

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## Testimony for the Senate Judicial Proceedings Committee

February 25, 2026

### SB 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)

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The ACLU of Maryland supports SB 791, which seeks to limit state and local collaboration with federal immigration enforcement (ICE) efforts. The bill would ensure that state and local practices do not run afoul of constitutional protections to which all Marylanders are entitled and would provide critical safeguards, such as requiring correctional facilities to obtain a judicial warrant before detaining a person or extending a person's detention for the purpose of transferring them to ICE. It also prevents police and correctional officers from facilitating immigration arrests by directly sharing information with ICE about individuals they encounter. This bill is necessary to address sheriffs' blatant attempts to circumvent the recently enacted 287(g) prohibition through novel, untested arrangements with ICE that are beyond the public's eye.

#### **Detention based on ICE hold requests violates the Fourth Amendment.**

Immigration hold requests ask state and local law enforcement authorities to detain a person past the date he or she should otherwise have been released from custody. As such, they constitute a new arrest and detention that must be justified under the Fourth Amendment.<sup>1</sup> In order to be so justified, they must either be based on a warrant supported by probable cause and issued by a neutral magistrate or meet the requirements for warrantless arrest. As several courts have

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<sup>1</sup> See, e.g., *Illinois v. Caballes*, 543 U.S. 405, 407-08 (2005); *Morales v. Chadbourne*, 793 F.3d 208, 215 (1st Cir. 2015) and see [https://oag.maryland.gov/FederalActionsResponse/Documents/pdfs/Memorandum\\_Law%20Enforcement\\_OCT%2025.pdf](https://oag.maryland.gov/FederalActionsResponse/Documents/pdfs/Memorandum_Law%20Enforcement_OCT%2025.pdf)

found, they do neither.<sup>2</sup>

First, it is unclear what evidentiary standard ICE uses when deciding to issue a detainer, and there is no procedure through which oath or affirmation supports a finding of probable cause.<sup>3</sup> Thus, ICE hold requests do not meet the basic Fourth Amendment requirements for a valid warrant.<sup>4</sup>

Second, persons detained on ICE hold requests are not brought before a neutral judge or magistrate within at most 48 hours of arrest but instead are only brought before an employee of the arresting federal agency. Thus, they do not meet the Fourth Amendment requirements for warrantless arrest, which clearly include presentment before a neutral magistrate within *at most* 48 hours of arrest.<sup>5</sup>

This lack of basic Fourth Amendment protection explains why ICE has mistakenly issued detainers for so many U.S. citizens and lawfully present individuals. Since ICE detainers are merely requests, state and local law enforcement agencies and detention facilities open themselves up to legal liability for making the decision to detain an individual—for any length of time—based solely on an ICE detainer request. Moreover, there is good reason not to trust ICE’s detainer requests: ICE regularly issues detainers based on faulty information from unreliable databases. A federal court has described ICE’s databases as, “Inaccurate, Incomplete, and Error-Filled.”<sup>6</sup>

Thus, eliminating compliance with ICE hold requests, as this bill would do, is necessary to ensure that state and local detention centers are not violating the constitutional rights of persons in their custody, and reducing Maryland communities’ exposure to costly lawsuits that

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<sup>2</sup> See, e.g., *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Or. Apr. 11, 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2013); *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Jimenez-Moreno v. Napolitano*, F.Supp.3d, 2016 WL 5720465 (N.D.Ill. Sept. 30, 2016).

<sup>3</sup> See Form I-247, <https://www.ice.gov/doclib/secure-communities/pdf/immigration-detainer-form.pdf> (form issued by an ICE employee, requiring only the signature of an ICE employee, no oath or affirmation of probable cause, and no review by a neutral magistrate).

<sup>4</sup> See *Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975).

<sup>5</sup> *Id.*; see also Immigrant Legal Resource Center Memorandum (Attachment 1).

<sup>6</sup> *Gonzalez v. Immigr. & Customs Enf’t*, 416 F. Supp. 3d 995, 1016 (C.D. Cal. 2019) (rev’d and vacated by 975 F.3d 788 (9th Cir. 2020) (issuing a permanent injunction limiting certain ICE offices from issuing detainers). Although the Ninth Circuit reversed the District Court’s decision, it did not hold that the databases used by ICE to make probable cause determinations for its detainers are actually reliable. Instead, it provided a clear legal standard for determining database reliability and remanded the case to the District Court for additional fact finding in line with this standard. The case settles in November 2024, with its term taking effect in March 2025. See Class Action Settlement Agreement & Release, *Gonzalez v. Immigr. & Customs Enf’t*, No. CV. 13-04416 AB (FFMx) (C.D. Cal. Nov. 25, 2024), [https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2025-01/GonzalezDetainers-Class-Settlement-Agreement\\_Nov2024.pdf](https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2025-01/GonzalezDetainers-Class-Settlement-Agreement_Nov2024.pdf) (hereafter “Gonzalez Settlement Agreement”).

drain our local taxpayer funding.

**This bill closes a loophole in current law that allows local law enforcement officers to share a person's information with ICE while in the field.**

While Maryland's Dignity Not Detention Act, which passed in 2021, prohibits officers from detaining or extending a person's detention based on suspicion of a civil immigration violation and bars officers from affirmatively questioning someone about their status—it does **not** prevent officers from communicating a person's information to ICE so long as doing so does not itself prolong the stop. In practice, this leaves a significant loophole. For example, during a routine traffic stop, if a warrant check reveals an ICE "warrant," the officer cannot extend the stop to wait for ICE. But nothing prevents one officer from writing the citation while another calls ICE, or from releasing the driver and then immediately notifying ICE with all the information needed for ICE to locate and arrest the person.

**Except in very limited circumstances not covered by the provisions of this bill, state and local authorities are not required to share information with federal immigration agents.**

Restricting information-sharing between state and local law enforcement officials and immigration authorities is critically important to fostering a relationship of trust between our law enforcement and the members of our communities. Except in specific circumstances provided for in this proposed law, state and local law enforcement authorities are not prohibited from enacting such information-sharing restrictions, and public policy considerations suggest that they should do so. In this connection, two points should be emphasized:

First, automatic information-sharing through fingerprint interoperability continues to occur and would not be restricted by this proposed law. When fingerprints are uploaded into the NCIC database, they will continue to automatically be forwarded to the Department of Homeland Security, which can still identify and apprehend persons it considers to be priorities for deportation. Nothing in this bill impedes that form of information-sharing.

The proposed law would simply limit additional information-sharing about non- public matters that is not prohibited by federal law. While

federal law prohibits restrictions on communication about the “immigration or citizenship status” of particular individuals, it does not prohibit limiting communications regarding release dates, custody status, or criminal case information for individuals in state or local custody.<sup>7</sup> Restricting such information-sharing is critical to ending the damaging pipeline from any contact with local law enforcement to immigration detention and deportation proceedings.

### **Local jails have quietly become central to Trump’s mass arrest and deportation agenda.**

Informal, jail-based transfers (not formal 287g agreements) remain the primary pipeline sending people from Maryland custody into ICE custody. Nearly 1 in 3 (29%) of the more than 3,300 Marylanders arrested by ICE from January 1, through October 15 2025,<sup>8</sup> and 82% of these transfers occurred outside of 287(g) agreements. Most people in local jails have not been convicted of any crime, and many are held only for low-level allegations like trespassing or disorderly conduct. Nationally, more than 80% of people in jail are legally presumed innocent, having only been accused, not proven guilty, and many ultimately are.<sup>9</sup>

This means local jails are voluntarily holding and funneling innocent people into ICE’s deportation pipeline. This practice not only undermines the presumption of innocence but also harms public safety by eroding trust and discouraging community members from engaging with local law enforcement.

### **Maryland’s best tool to curb overall ICE arrests of the innocent and to keep more families together are to end all forms of collusion with ICE.**

Passing the Community Trust Act is a critical next step after banning 287(g) agreements. We can learn from New Jersey’s cautionary tale of banning formal 287(g) agreements while leaving in place informal collaboration. As a result of Sheriffs exploiting this loophole, ICE arrests in New Jersey have simultaneously spiked in both jails and in the

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<sup>7</sup> See Piers et al. Memorandum to the U.S. Conference of Mayors and the Major Cities Chiefs Association (Attachment 2).

<sup>8</sup> Based on ICE data retrieved through FOIA and analyzed by Prison Policy Initiative: “New ICE arrest data show the power of state and local governments to curtail mass deportations.” <https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/#:~:text=They%20are%20heavily%20reliant%20on,into%20the%20hands%20of%20ICE.>

<sup>9</sup> *Ibid.*

community at a significantly higher rate than in states like Illinois and Oregon that have ended all voluntary collaboration.<sup>10</sup>

Additionally, SB 791 is necessary to address sheriffs' already evident intent to circumvent the legislature's recently enacted prohibition on 287(g) —in dangerous ways that will expose municipalities to lawsuits. For example, on Feb. 21, 2026, Fox News reported that on the same day the 287(g) ban was signed, Carroll County Sheriff Jim DeWees signed "Special Order 26-001" to establish a policy that, in his words "doesn't look much different than what the 287(g) agreement that we had [was]."

<sup>11</sup> DeWees said his new policy was to contact ICE if anyone in custody had a detainer, giving ICE 48 hours to "come up here and serve that detainer." If this is truly the policy, individuals in Carroll County ordered released on bail would be held for another 48 hours on the basis of potentially inaccurate and invalid detainers — creating the risk of lawsuits for Fourth Amendment violations.

Sheriff Chuck Jenkins of Fredrick County likewise told Fox News that he plans to "provide arrestee [sic] lists to ICE so they can review and check it." That would mean that Fredrick County's notorious practice of racial profiling and arresting individuals for minor offenses for the actual purpose of feeding them to ICE would continue unabated, despite the clear will of the legislature.

Many of the dangers to our communities that spurred legislators to enact the 287(g) ban will continue, if these sheriffs' attempts at circumvention go unchecked.

For these reasons, the ACLU of Maryland urges a favorable report on SB 791.

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<sup>10</sup> Sawyer, W. (December 10, 2025). New ICE arrest data show the power of state and local governments to curtail mass deportations. Prison Policy Initiative. <https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/>

<sup>11</sup> <https://foxbaltimore.com/news/local/carroll-county-sheriff-says-ice-cooperation-continues-despite-ban-immigration-maryland>

**SB0791\_TogetherWeWillHarfordCountyIndivisible\_FAV.**

Uploaded by: Ydelka Schrock

Position: FAV

February 25, 2026

Ydelka A. Schrock  
Aberdeen Proving Ground, 21005

**TESTIMONY ON SB0791 – IN SUPPORT**

**Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
(Community Trust Act)**

**TO:** Chair Senator William C. Smith, Jr., Vice Chair Senator Jeff Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Ydelka A. Schrock

My name is Ydelka A. Schrock. I am a resident of Harford County District 34A. I am submitting this testimony in support of SB0791, Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act), on behalf of Together We Will Harford County Indivisible (TWW). TWW is an inclusive and diverse group of 500 regular members, with over 1,000 followers on social media, working together to create a just community that empowers individuals to participate in our democracy and stand up for social, racial, and economic justice to create a place where all can thrive.

When Maryland legislators signed into law the banning of 287g agreements it agreed with residents that police officers should not function as deputized ICE agents. We as a community value the contributions that are made by both documented and undocumented immigrants. They are the backbone to our society and as a group are significantly less likely to commit crimes when compared to individuals born in the United States.

The banning of 287g agreement throughout Maryland does not entirely ban the practice of collaborating with ICE. If law enforcement officers continue to notify or transfer people into ICE custody, community trust will also continue to erode, making everyone less safe. Maryland needs to draw a clear line between local law enforcement and federal immigration enforcement. Transferring an immigrant into federal custody without a judicial warrant or a valid court order does little to uphold the justice system and the constitution. We must encourage the police to uphold the law and use due process when a criminal act or a civil violation is committed.

A continued collaboration with ICE will only fuel racial profiling, civil rights abuses, and widespread fear in our communities. Immigrants deserve to live without fear and anxiety. Maryland has an obligation to protect the people who reside in this great state, it has no legal obligation to assist ICE agents and continuing additional collaboration will only be a political choice at the expense of public safety.

On behalf of TWW, I respectfully urge this committee to return a favorable report on SB0791.

**Berger SB 0791.pdf**

Uploaded by: Zackary Berger

Position: FAV

**Testimony on Senate Bill – Favorable**  
**SB 0791 Correctional Services and Public Safety – Immigration Enforcement –**  
**Prohibitions (Community Trust Act)**

**Senate Judicial Proceedings**

**February 23, 2026**

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

I am writing to offer favorable testimony in support of SB0791 **Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)**.

I am a primary care physician who sees undocumented immigrants. My patients are being kidnapped, oppressed, scared, and deported by ICE. ICE is not making us safer in Maryland; they are arresting more and more people, harassing citizens as well.

We must not allow local law enforcement to grant so-called immigration holds to ICE, and any collaboration between local law enforcement and ICE must be secured by a proper warrant.

When you are asked in future years what you did to protect all residents of Maryland, you can point to this bill as evidence.

I urge the Senate Judicial Proceedings Committee to issue **a favorable report** on SB 0791.

Zackary Berger, MD, PhD  
Baltimore, MD 21218

# **SB791**

Uploaded by: Chuck Callahan

Position: UNF



## COUNTY COUNCIL OF TALBOT COUNTY

COURT HOUSE  
11 N. WASHINGTON STREET  
EASTON, MARYLAND 21601-3178  
PHONE: 410-770-8001  
FAX: 410-770-8007  
TTY: 410-822-8735  
[www.talbotcountymd.gov](http://www.talbotcountymd.gov)

CHUCK F. CALLAHAN, President  
PETE LESHER, Vice President

KEASHA N. HAYTHE  
LYNN L. MIELKE  
DAVE STEPP

February 24, 2026

The Honorable William C. Smith, Jr., Chair  
Senate Judicial Proceedings Committee

**Re: Senate Bill 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**

Position: **Opposition**

Dear Chair Smith & Committee Members:

On behalf of Talbot County Maryland, we are writing to express our opposition to Senate Bill 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act). Talbot County supports transparency and values the work of our public safety officers. As drafted, the Council believes that Senate Bill 791 would significantly restrict any and all cooperation between state and local correctional authorities and federal immigration agencies, including the U.S. Immigration and Customs Enforcement (ICE) thereby undermining the County's ability to manage individuals who pose a documented threat to public safety and further raise concerns about our ability to protect victims.

The Talbot County Council respectfully urges an **unfavorable** report on Senate Bill 791. Thank you for your consideration and attention to this legislation.

Respectfully Submitted,

Chuck F. Callahan  
President

# **SB791 - Correctional Services and Public Safety -**

Uploaded by: Mary Ann Thompson

Position: UNF



## **SB 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)**

MCAA Position: **OPPOSE**

TO: Judicial Proceedings

DATE: February 23, 2026

FROM: Christopher Klein, President  
Lamonte Cooke, Legislative Committee  
Mary Ann Thompson, Legislative Committee

**The Maryland Correctional Administrator’s Association (MCAA)**, representing jail wardens and administrators across the state and committed to advancing effective correctional practices, **opposes SB791**, which would restrict how correctional facilities may communicate or cooperate with a specific federal law-enforcement agency.

**SB791 prohibits local and state correctional facilities from notifying or assisting U.S. Immigration and Customs Enforcement (ICE)** regarding individuals in custody unless a court order or judicial warrant is presented. This limitation would obstruct legitimate federal inquiries. **No other law-enforcement agency is subject to this level of restriction within Maryland facilities.**

**The bill poses a significant risk to public safety.** As written, it would require the release of individuals who may be:

- Facing or convicted of felony charges
- Wanted or previously convicted in other states
- Wanted by federal authorities
- Wanted by foreign governments

These releases could occur solely because the bill restricts communication and cooperation with agencies that may have active warrants or detainees.

**The bill also conflicts with international legal obligations.** Under the *Vienna Convention on Consular Relations (1963), Article 36*, authorities must:

1. Inform detained foreign nationals without delay that they may have their consulate notified.
2. Notify the consulate if the individual requests it.
3. Permit communication between the detainee and their consulate.

To meet these obligations, facilities must ask every person at intake about their citizenship. Limiting this information or restricting communication jeopardizes Maryland's ability to comply with binding international treaty requirements. This section of the bill should be removed.

Lastly, according to Governor Wes Moore's memo dated February 17, 2026, on SB 245/HB 444, "Public safety is, has been, and will continue to be my top priority." He further stated, "I have directed Department of Public Safety and Correctional Services Secretary Carolyn Scruggs to continue its lawful coordination with ICE on the removal of public safety threats and I encourage each of you to do the same with your personnel". This bill removes that cooperation with our federal partners and does not make Maryland safer.

**For these reasons, the MCAA respectfully urges the Committee to issue an UNFAVORABLE report on Senate Bill 791.**

# **SB791 - Worcester County Sheriff's Office - OPPOSE**

Uploaded by: Matt Crisafulli

Position: UNF

# Worcester County Sheriff's Office

*Matthew Crisafulli*  
Sheriff



*Nathaniel Passwaters*  
Chief Deputy

## Chair, Vice Chair, and Committee Members:

Thank you for the opportunity to provide testimony. I respectfully **oppose Senate Bill 791**

It is important to clarify what is truly at issue.

In jurisdictions that had cooperative models, such as the former **jail-based 287(g) program**, coordination occurred **after an individual was lawfully arrested and detained on criminal charges**. It was not a street-level immigration enforcement model. It was a secure, controlled custodial transfer process for individuals already in jail, often for serious criminal offenses and in some cases with existing warrants.

SB 791 would prohibit routine communication and coordination with federal authorities unless accompanied by a judicial warrant or court order. That restriction creates operational barriers at the most critical stage, **custody management**.

If local detention facilities cannot coordinate during lawful detention, the likely outcome is not less enforcement, it is simply **more federal street-level enforcement**, outside of the structured detention environment.

I believe this is not a safer alternative.

In Worcester County and across Maryland, we regularly encounter individuals charged with:

- Assaults
- Firearms offenses
- Drug distribution
- Repeat theft and burglary
- Domestic violence

When those individuals are already in lawful custody, coordination with federal authorities ensures:

- Safe and orderly transfers
- Clear custodial responsibility
- No surprise releases into the community
- Reduced risk of re-offense

SB 791 increases the likelihood that individuals with serious criminal histories could be released back into the community before federal authorities can act lawfully within their jurisdiction.

That is not hypothetical, it is a custody reality.

Sheriffs in Maryland are constitutional officers. We are elected locally and accountable directly to our residents.

This bill imposes a one-size-fits-all mandate that removes professional discretion from our local law enforcement executives who understand:

- Their jail populations
- Their crime trends
- Their community dynamics
- Their operational risks

Public safety decisions should be made closest to the communities we safeguard.

For all the aforementioned points, I strongly oppose SB 791.

**“Proud to Protect, Ready to Serve”**

**Worcester County Sheriff's Office**  
One West Market Street, Room 1001  
Snow Hill, MD 21863  
410-632-1111- phone / 410-632-3070- fax  
**[www.WorcesterSheriff.com](http://www.WorcesterSheriff.com)**

# **SB791 - Worcester County Sheriff's Office - OPPOSE**

Uploaded by: Matthew Crisafulli

Position: UNF

# Worcester County Sheriff's Office

*Matthew Crisafulli*  
Sheriff



*Nathaniel Passwaters*  
Chief Deputy

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**SB791\_UNFAV\_HCGCassilly.pdf**

Uploaded by: Robert Cassilly

Position: UNF

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**ROBERT G. CASSILLY**  
Harford County Executive



**ROBERT S. McCORD**  
Director of Administration

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February 23, 2026

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

Re: Opposition to Senate Bill 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions

Dear Chairman Smith and Committee Members,

On behalf of the citizens of Harford County, I write to express strong opposition to Senate Bill 791.

Public safety must remain the foremost responsibility of government at every level. SB 791 represents an unprecedented and deeply troubling attempt by the State to restrict communication and cooperation between local public safety authorities and federal law enforcement agencies. Preventing collaboration between law enforcement partners does not enhance public safety, it weakens it.

The bill's prohibitions attempts to impose a gag order on correctional officers and local law enforcement personnel by restricting their ability to communicate with federal immigration authorities absent narrow circumstances. Law enforcement agencies rely on cooperation and information sharing across local, state, and federal lines every day to prevent crime, apprehend dangerous offenders, and protect our communities. Mandating silence or limiting lawful collaboration undermines those partnerships.

Harford County has experienced firsthand the tragic consequences that can occur when violent offenders are not properly identified, detained, or transferred between jurisdictions. We have lost two citizens recently to violent criminal offenders who were in this country illegally. It is reasonable to ask whether stronger coordination between jurisdictions and agencies could have prevented those tragedies. Legislation that erects barriers between law enforcement agencies moves us in the wrong direction.

The Honorable William Smith  
Senate Bill 791 Opposition Letter  
February 23, 2026  
Page 2

Furthermore, SB 791 attempts to micromanage operational decisions that are best left to trained law enforcement professionals. Decisions regarding communication with federal partners must remain within the discretion of local public safety leadership, who are accountable to their communities and best positioned to assess threats and risks. The State should not attempt to substitute a rigid statutory framework for the professional judgment of those charged with keeping our citizens safe.

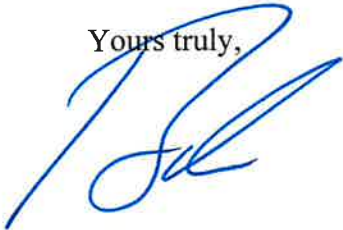
In addition to being ill-advised from a public safety standpoint, aspects of this legislation raise serious questions about enforceability and practicality. Restricting communication between law enforcement agencies is difficult to police in practice and risks creating confusion, hesitation, and liability concerns for officers attempting to navigate complex real-time situations.

Harford County supports lawful immigration policy and respects constitutional rights. However, we cannot support legislation that restricts legitimate intergovernmental cooperation and potentially endangers our residents.

For these reasons, I respectfully urge an unfavorable report on Senate Bill 791.

Thank you.

Yours truly,



Robert G. Cassilly

**MCPA\_MSA SB 791 Community Trust Act - OPP.pdf**

Uploaded by: Samira Jackson

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 25, 2026

RE: **SB 791 Correctional Services and Public Safety - Immigration Enforcement -  
Prohibitions (Community Trust Act)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSES SB 791**. This bill places sweeping new restrictions on how Maryland law enforcement officers and correctional personnel interact with federal immigration enforcement and individuals in custody. Under this bill, officers would be barred from asking about immigration status during stops, searches, and arrests, prohibited from notifying federal immigration authorities that a person is in custody unless they have a judicial warrant or court order, and forbidden from transferring individuals to federal immigration authorities absent a warrant. The bill would also apply to correctional facility staff, severely limiting any engagement with federal partners on immigration matters and erecting broad civil liability for alleged violations.

These provisions would dramatically constrain routine operational cooperation between local law enforcement and federal agencies, cooperation that has long been a critical element in addressing violent crime and public safety threats. Officers routinely rely on federal partners to help identify individuals with serious criminal histories, including those involving cross-jurisdictional offenses. By eliminating the ability to share custody notifications and transfer detained individuals to federal immigration authorities unless a warrant exists, this bill could leave local agencies with zero practical alternatives when they detain individuals who pose a threat, but whose immigration status is relevant to their prosecution or removal. This undermines decades of established interagency cooperation and creates artificial barriers to keeping communities safe.

When an undocumented individual who has committed a criminal offense comes into local custody, law enforcement currently has limited but clear pathways: prosecute the underlying crime, coordinate with federal authorities where appropriate, and ensure that custody decisions are handled in accordance with law. SB 791 removes that coordination pathway unless a judicial warrant is already in place. In practice,

532 Baltimore Boulevard, Suite 308  
Westminster, Maryland 21157  
667-314-3216 / 667-314-3236

federal immigration authorities frequently rely on notification from local detention facilities to seek or obtain such warrants. By prohibiting notification absent a warrant, the bill creates a procedural dead. Local agencies are restricted from engaging federal partners, yet federal authorities may lack the information necessary to act. This leaves local agencies with no alternative but to release individuals into the community once local charges are resolved, even where federal removal proceedings may otherwise be appropriate.

In addition, the bill requires every law enforcement agency to adopt new policies and impose internal disciplinary measures for violations, while simultaneously exposing officers and agencies to civil liability for actions taken in the course of their duties. Individuals may bring suit for alleged violations, and the Office of the Attorney General is authorized to investigate and enforce compliance. This layered enforcement structure significantly increases legal exposure and administrative burden, without providing an alternative pathway for law enforcement to cooperate with federal agencies and remove criminals from our communities. For these reasons, MCPA and MSA **OPPOSE SB 791** and urge an **UNFAVORABLE** committee report.

**SB 791\_HB 1575\_ Correctional Services and Public**

Uploaded by: Trudy Tibbals

Position: UNF

**SB 791/HB 1575:** Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act): Please vote to **OPPOSE** this bill.

Dear Judicial Proceedings Committee and Judiciary Committee:

I am writing to express my strong **opposition** to **SB 791/HB 1575**, the "Community Trust Act."

Key **problematic issues** with **SB 791/HB 1575** include:

- Prohibiting inquiries into citizenship or immigration status (beyond limited exceptions), which **hinders officers' ability to identify potential threats**, verify identities, or address related criminal activity.
- Barring detention or prolonged detention based on suspicion of civil immigration violations or at federal request, unless a judicial warrant (excluding administrative warrants from DHS or DOJ) is presented—effectively **preventing routine, lawful transfers to ICE for deportable, criminal, dangerous individuals**.
- Forbidding notification to federal authorities of an individual's custody without a court order or judicial warrant, **limiting information sharing that could aid in public safety efforts** and enforcement of federal law.
- Preventing transfers to federal immigration authorities without a judicial warrant, which could allow criminal aliens or those with removal orders to be released back into communities rather than handed over for federal processing. **This will necessitate federal ICE officers entering into local neighborhoods, making routine, lawful transfers chaotic and exponentially increase serious risks to public safety during enforcement of federal law.**

These restrictions could endanger public safety by releasing deportable individuals—including those with criminal histories. While exceptions exist (e.g., for criminal investigations or certain legal protections), the bill's narrow definition of acceptable warrants and broad bans on routine cooperation go too far, prioritizing non-cooperation over practical law enforcement needs. **Maryland already has mechanisms to limit unnecessary entanglement in federal immigration matters without creating these sweeping barriers that tie the hands of correctional staff and police.**

I urge the Committee to **give SB 791/HB 1575 an unfavorable report** and prevent its passage.

**Maintaining appropriate cooperation with federal authorities is essential for community safety, rule of law, and effective public protection.**

Thank you for your time and thoughtful consideration.

Respectfully,

Trudy Tibbals

**SB 791\_LOI\_DPSCS.pdf**

Uploaded by: Jason Davidson

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

**BILL:** SENATE BILL 791

**POSITION:** LETTER OF INFORMATION

STATE OF MARYLAND

WES MOORE  
GOVERNOR

ARUNA MILLER  
LT. GOVERNOR

CAROLYN J. SCRUGGS  
SECRETARY

OLUWATOYIN BAKARE  
ACTING DEPUTY SECRETARY  
ADMINISTRATION

DAVID GREENE  
DEPUTY SECRETARY  
OPERATIONS

ANGELINA GUARINO  
ASSISTANT SECRETARY  
DATA, POLICY AND GRANTS

RENARD BROOKS

**EXPLANATION:** Senate Bill 791 prohibits an employee of a correctional facility from inquiring about an individual's citizenship or place of birth; detain or prolong an individual's detention for purposes of inquiring about citizenship or immigration status unless presented with a valid court order or judicial warrant; transfer an individual to federal immigration authorities unless presented with a valid judicial warrant; or notify federal immigration authorities that an individual is in custody unless required by a valid court order or judicial warrant.

- The Department of Public Safety and Correctional Services' (Department) Division of Correction operates 13 State correctional facilities housing individuals sentenced to periods of incarceration for 18 months and longer. The Department also oversees five facilities located in Baltimore City that house pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
- Correctional Services Article 9-601.1 requires the Commissioner of Correction to initiate the process for identification cards and other vital documents for incarcerated individual before release from confinement in a State correctional facility.
- Additionally, the Commissioner of Correction is required to initiate the process of obtaining the birth certificate of the incarcerated individual.
- As part of the intake process, all incarcerated individuals are fingerprinted which are electronically submitted through the Maryland Criminal Justice Information System (CJIS) to the Federal National Crime Information Center (NCIC). The NCIC database is the central repository for all fingerprint information as well as criminal history, sex offender registration, warrants, missing people, and stolen property.
- This is a necessary step in the process to determine if there are outstanding criminal and state civil warrants on the incarcerated individual. The fingerprint cards require a known "Place of Birth".

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests this Committee consider this information as it deliberates on Senate Bill 791.

# **Mead Testimony 2.23.2026 Senate.pdf**

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*Institute for*  
**Constitutional Advocacy and Protection**  

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**GEORGETOWN LAW**

**Testimony Regarding SB0791**

Correctional Services and Public Safety - Immigration Enforcement - Prohibitions  
(Community Trust Act)

Hearing date: February 25, 2026

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

Thank you for the opportunity to submit testimony regarding SB 0791 and HB 1575. This testimony evaluates whether these bills are consistent with federal constitutional and statutory law. In my view, the measures fall squarely within Maryland’s sovereign authority under the United States Constitution to determine how state and local resources are allocated and to decline participation in federal regulatory programs. The Supreme Court has repeatedly made clear that, while the federal government possesses broad authority over immigration, it may not compel states or their officers to administer or enforce federal law. These bills reflect that settled constitutional principle, clarify the limits of state and local detention authority, and reduce the risk of unlawful seizures and attendant civil liability.

My conclusion is informed by nearly two decades of experience studying, teaching, writing about, and litigating constitutional law, including in the context of immigration enforcement. I currently serve as Special Litigation Counsel at the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown Law, which regularly litigates and advises on these constitutional principles, including the limits of federal power and the scope of state autonomy in the immigration context. ICAP has published a two-page fact sheet summarizing many of the key points set forth in greater detail in this testimony.<sup>1</sup>

**1. The Federal Constitution Provides that Maryland Is Free to Refuse to Cooperate in Immigration Enforcement.**

“[O]ur Constitution establishes a system of dual sovereignty between the States and the Federal Government.”<sup>2</sup> “[T]he structure and limitations of federalism . . . allow the States ‘great latitude under their police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet of all persons.’”<sup>3</sup> As the Supreme Court has recognized, one “fundamental structural” consequence of this dual sovereignty is that the federal government may not conscript state or local

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<sup>1</sup> [https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2025/01/2025.01.31\\_Fact-Sheet-on-State-and-Local-Immigration-Cooperation.pdf](https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2025/01/2025.01.31_Fact-Sheet-on-State-and-Local-Immigration-Cooperation.pdf)

<sup>2</sup> *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991).

<sup>3</sup> *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) (internal citations omitted).

governments into administering or enforcing federal regulatory programs or deploy state or local officials in service of federal regulatory objectives.<sup>4</sup>

Among other things, this well-settled constitutional rule means that the federal government cannot force states to assist in the enforcement of federal immigration laws.<sup>5</sup> The federal government may enforce immigration law directly through federal agencies such as Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP).<sup>6</sup> But the Constitution prohibits the federal government from requiring states or their political subdivisions to use state personnel or resources to carry out federal immigration enforcement.<sup>7</sup> The constitutional rule against commandeering provides ample legal support for bills under consideration, and courts have consistently upheld similar provisions.<sup>8</sup>

Consistent with the constitutional division of responsibility, federal statutory law provides a comprehensive set of rules governing how *federal* agencies may

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<sup>4</sup> *Murphy v. Nat'l Collegiate Athletic Ass'n*, 584 U.S. 453, 470 (2018); accord, e.g., *Printz v. United States*, 521 U.S. 898, 933 (1997).

<sup>5</sup> E.g., *United States v. California*, 921 F.3d 865, 891 (9th Cir. 2019) (“California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts.”); *City of El Cenizo v. Texas*, 890 F.3d 164, 178 (5th Cir. 2018) (“[T]he Tenth Amendment prevents Congress from compelling Texas municipalities to cooperate in immigration enforcement.”); *Galarza v. Szalczyk*, 745 F.3d 634, 643-45 (3d Cir. 2014) (“[I]mmigration officials may not compel state and local agencies to expend funds and resources to effectuate a federal regulatory scheme.”).

<sup>6</sup> E.g., 8 U.S.C. § 1103.

<sup>7</sup> Under some circumstances, Congress can condition federal funding on state or local compliance with requirements of federal law, but any such condition must be clearly stated, germane to the federal funding program, and not unduly coercive. Courts have largely rejected arguments that federal law currently requires cooperation with federal immigration enforcement as a condition of receiving many federal grants. E.g., *City & Cnty. of San Francisco v. Garland*, 42 F.4th 1078, 1089 (9th Cir. 2022); *City of Philadelphia v. Att’y Gen. of United States*, 916 F.3d 276 (3d Cir. 2019); *City of Chicago v. Sessions*, 888 F.3d 272, 287 (7th Cir. 2018). But see *New York v. DOJ*, 951 F.3d 84, 123 (2d Cir. 2020).

<sup>8</sup> E.g., *California*, 921 F.3d at 886 (upholding a provision that prohibited “[t]ransfer[ring] an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination.”); *Ocean Cnty. Bd. of Commissioners v. Att’y Gen. of State of New Jersey*, 8 F.4th 176, 178–79 (3d Cir. 2021) (upholding state policy that prohibited “[p]roviding any non-public personally identifying information regarding any individual, “[p]roviding access to a detained individual for an interview, unless the detainee signs a written consent form” or “[p]roviding notice of a detained individual’s upcoming release from custody”); *Galarza v. Szalczyk*, 745 F.3d 634, 643 (3d Cir. 2014) (“Under the Tenth Amendment, immigration officials may not order state and local officials to imprison suspected aliens subject to removal at the request of the federal government.”); *United States v. New Jersey*, No. CV201364FLWTJB, 2021 WL 252270, at \*4 (D.N.J. Jan. 26, 2021) (upholding state law that prohibited providing notice to federal immigration authorities of a person’s upcoming release); *United States v. Illinois*, 796 F. Supp. 3d 494, 506 (N.D. Ill. 2025) (upholding policies that prohibit “complying with detainers, communicating with immigration agents before releasing noncitizens, providing immigration agents access to noncitizens in custody, and giving immigration agents information (such as contact information and release dates) about noncitizens”); *United States v. New York*, No. 1:25-CV-744 (MAD/PJE), 2025 WL 3205011, at \*4 (N.D.N.Y. Nov. 17, 2025) (upholding state policy against disclosing information to federal immigration authorities or providing federal immigration officials access to state facilities without a judicial warrant).

enforce immigration laws, and Congress has allocated billions of dollars to those federal agencies to carry out the tasks Congress has assigned to them.<sup>9</sup> At the same time, Congress has not required state or local governments to take steps to assist the federal government. Indeed, the federal government’s control over immigration is so extensive that federal statutes contemplate only a few “specific limited circumstances” where states are even permitted to support enforcement of federal immigration law.<sup>10</sup> Even in these few limited circumstances, the choice is entirely optional: a state is free to refuse to cooperate altogether, and many state and local jurisdictions have declined, to varying degrees, to assist with the federal government’s enforcement of federal immigration laws.<sup>11</sup> Congress could not, and has not, prohibited states from making that choice.

When a state exercises its sovereign prerogative not to assist the federal government with enforcement of federal immigration law, the state furthers important constitutional structural values.<sup>12</sup> First, “the principal benefit of the federalist system is a check on abuses of government power,”<sup>13</sup> and dual sovereignty provides “a double security . . . to the rights of the people” by allowing state governments to stand in opposition to “usurpations” by the federal government.<sup>14</sup> The Supreme Court once noted that “[t]he power of the Federal Government would be augmented immeasurably if it were able to impress into its service—and at no cost to itself—the police officers of the 50 States.”<sup>15</sup> Even just federal agencies enforcing federal immigration law have been accused of violating the rights of citizens and non-citizens alike by using excessive force, racial profiling, unlawful detentions, and more.<sup>16</sup> By refusing to cooperate with the federal government’s assaults on their residents, states vindicate not only their sovereignty but vindicate the Founder’s vision that states would stand up for their residents and oppose federal overreach.

Limiting cooperation with federal immigration enforcement also furthers accountability and resource conservation values.<sup>17</sup> As noted, the federal government has allocated billions of dollars to federal agencies for enforcement of immigration laws. One could reasonably argue that it would be wasteful and irresponsible to

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<sup>9</sup> *E.g.*, Pub. L. No. 119-21, § 100052, 139 Stat. 72, 387 (2025) (appropriating nearly \$30 billion to ICE).

<sup>10</sup> *Arizona v. United States*, 567 U.S. 387, 408 (2012).

<sup>11</sup> *E.g.*, *California*, 921 F.3d at 886 (upholding California’s SB 54).

<sup>12</sup> *See Murphy*, 584 U.S. at 473.

<sup>13</sup> *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991).

<sup>14</sup> Federalist No. 51.

<sup>15</sup> *Printz*, 521 U.S. at 922.

<sup>16</sup> *E.g.*, Nate Raymond, Kristina Cooke and Brad Heath, *Courts have ruled 4,400 times that ICE jailed people illegally. It hasn’t stopped*, Reuters (Feb. 17, 2026), <https://www.reuters.com/legal/government/courts-have-ruled-4400-times-that-ice-jailed-people-illegally-it-hasnt-stopped-2026-02-14/>; American Immigration Council, *How ICE Went Rogue* (Feb. 11, 2026), <https://www.americanimmigrationcouncil.org/fact-sheet/ice-cbp-legal-analysis/>.

<sup>17</sup> *Murphy*, 584 U.S. at 473-74.

divert valuable state and local law enforcement resources away from fighting crime in Maryland communities towards subsidizing federal immigration enforcement efforts. Indeed, Marylanders who live in jurisdictions that assist federal immigration enforcement are effectively subject to a double tax—they pay for the federal government’s enforcement of immigration laws, and then pay their local law enforcement to provide additional services to the federal government for free.

In sum, these bills sit comfortably within Maryland’s authority under the United States Constitution to limit the use of state and local resources for federal immigration enforcement.<sup>18</sup> Moreover, as discussed below, in addition to the State’s general prerogative to decline to aid the federal government, many of the bills’ provisions enforce and clarify limitations on state and local governments that already exist in federal law.

## **2. Federal Law Prohibits Detaining Someone Solely Based on an Administrative Warrant or Immigration Detainer.**

The bills properly make it unlawful to detain someone based on an “administrative warrant” or ICE detainer request from the federal government that is not accompanied by a judicial warrant. This provision tracks the requirements of the Fourth Amendment’s prohibition against unreasonable seizures and the similar right enshrined in Maryland’s Declaration of Rights.

ICE detainees notify federal, state, and local law enforcement agencies holding an individual in custody that the United States Department of Homeland Security (DHS) seeks custody of that individual so that it may remove him.<sup>19</sup> They ask the agency to “maintain custody” of the individual for up to 48 hours beyond when that person would otherwise be released so that ICE can arrange to take him into custody.<sup>20</sup> ICE detainees are merely requests; they “do not and cannot compel a state or local law enforcement agency to detain suspected aliens subject to removal.”<sup>21</sup>

Whenever an individual is “kept in custody” pursuant to an ICE detainer and/or administrative warrant “after she [is otherwise] entitled to release,” that detention is a “new seizure for Fourth Amendment purposes.”<sup>22</sup> Thus the detention must comply with the Fourth Amendment requirement that all seizures be

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<sup>18</sup> See *supra* note 8.

<sup>19</sup> 8 C.F.R. § 287.7(a).

<sup>20</sup> *Id.* § 287.7(a), (d).

<sup>21</sup> *Galarza*, 745 F.3d at 636; *Lunn v. Commonwealth*, 477 Mass. 517, 526, 78 N.E.3d 1143, 1152 (2017); Law Enforcement Immigration Task Force, *A Path to Public Safety: The Legal Questions around Immigration Detainers* 2 (last accessed Dec. 14, 2025), <https://perma.cc/9SNB-BETA> (explaining that courts have interpreted 8 C.F.R § 287.7 “to refer to voluntary requests”).

<sup>22</sup> *Morales v. Chadbourne*, 793 F. 3d 208, 217 (1st Cir. 2015); see also *Ramon v. Short*, 460 P.3d 867, 875 (Mont. 2020) (“There is broad consensus around the nation that an immigration detainer constitutes a new arrest.”).

“reasonable”—that is, “based on probable cause to believe that the individual has committed a crime.”<sup>23</sup> Maryland’s Declaration of Rights imposes similar requirements.<sup>24</sup> But because it is generally “not a crime for a removable alien to remain present in the United States . . . the usual predicate for [detention] is absent.”<sup>25</sup> Indeed, federal law does not provide *any* relevant statutory authority (other than the 287(g) authority now banned in Maryland<sup>26</sup>) that would permit state or local governments to detain someone based on suspected removability.<sup>27</sup>

To make matters worse, ICE detainers and administrative warrants are not issued or reviewed by a judge, but rather can be signed by any authorized immigration agent.<sup>28</sup> Because they are not signed by a judge, these documents are not “warrants” in the constitutional sense. The Supreme Court has been clear that the warrant requirement of the Fourth Amendment commands that “inferences of probable cause” must be “drawn by ‘a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime.’”<sup>29</sup> Dating back to the nation’s founding,<sup>30</sup> and continuing to this day,<sup>31</sup> there are only limited instances in which law enforcement can detain someone without a judicial warrant, such as probable cause that the person committed a felony.<sup>32</sup> A state or local officer’s belief that a person committed a civil violation of immigration law or is removable does not provide a basis for a warrantless detention.<sup>33</sup>

Applying these basic constitutional principles, numerous federal and state courts have held that local officers who detained individuals solely on the basis of ICE detainers violated the Fourth Amendment.<sup>34</sup> Complying with unconstitutional requests not only harms Marylander’s rights, but can expose governments to the

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<sup>23</sup> *Bailey v. United States*, 568 U.S. 186, 192 (2013) (internal quotation marks and citation omitted).

<sup>24</sup> Md. Decl. of Rights Art. 26; *Purnell v. State*, 171 Md. App. 582, 606, 911 A.2d 867, 882 (2006)

<sup>25</sup> *Arizona*, 567 U.S. at 407.

<sup>26</sup> M.D. Code Ann., Crim Proc. § 5-104.1.

<sup>27</sup> *See, e.g., Lunn*, 477 Mass. at 533-36, 78 N.E.3d at 1157-60; *Ramon*, 399 Mont. at 272, 460 P.3d at 877; *City of Gary*, 181 N.E. 3d 390, 408 (Ind. Ct. App. 2021) (“[W]e hold that federal law does not permit detentions by state and local officers based solely on civil immigration detainers or administrative warrants.”), *vacated on other grounds*, 190 N.E.3d 349 (Ind. 2022).

<sup>28</sup> 8 C.F.R. § 287.7(b).

<sup>29</sup> *Shadwick v. City of Tampa*, 407 U.S. 345, 350 (1972) (quoting *Johnson v. United States*, 333 U.S. 10, 14 (1948)).

<sup>30</sup> *E.g.*, Lindsay Nash, *Deportation Arrest Warrants*, 73 Stan. L. Rev. 433, 445 (2021).

<sup>31</sup> *E.g.*, Md. Code Ann., Crim. Proc. § 2-202.

<sup>32</sup> *Gonzalez v. United States*, 145 S. Ct. 529, 531-32 (2025) (statement of Sotomayor, J., joined by Gorsuch, J.).

<sup>33</sup> *E.g., Melendres v. Arpaio*, 695 F.3d 990, 1001 (9th Cir. 2012); *Lunn*, 477 Mass. at 537, 78 N.E.3d at 1160.

<sup>34</sup> *E.g., C.F.C. v. Miami-Dade County*, 349 F. Supp. 3d 1236, 1259 (S.D. Fla. 2018) (“[T]he County violated [plaintiffs’] Fourth Amendment rights when it arrested [them] based on a detainer and without probable cause that either of them had committed a crime.”); *Buquer v. City of Indianapolis*, No. 1:11-CV-00708-SEB, 2013 WL 1332158, at \*10 (S.D. Ind. Mar. 28, 2013).

risk of significant liability. For example, a recent jury awarded \$125 million against a county in New York for holding individuals solely on the basis of ICE detainers.<sup>35</sup> These bills would help protect the taxpayers of Maryland against such exposure.

Although holding a person based on an administrative detainer or warrant is already likely illegal,<sup>36</sup> some jurisdictions in Maryland appear to be violating this constitutional rule.<sup>37</sup> These bills reinforce constitutional protections and further Maryland's interests in ensuring that all people in Maryland are treated fairly, equally, and lawfully. There is no conflict between the provisions in these bills prohibiting detention based on ICE detainers and any aspect of federal law.

### **3. Federal Law Prohibits State and Local Governments from Detaining Someone Based on Immigration Status.**

The bills also provide important protections by banning the detention of someone (or prolonging the detention of someone, which is legally equivalent<sup>38</sup>) to investigate their immigration status or based on that person's potential removability. Federal law generally does not even allow—much less require—state or local governments to detain someone to investigate their immigration status or assess their potential removability.

In *Arizona v. United States*, the Supreme Court held that state and local governments may not detain someone “based on possible removability” except in “specific, limited circumstances.”<sup>39</sup> That holding recognizes that it is generally not within the purview of state or local governments to unilaterally investigate immigration status or detain someone based on a belief that they are removable. There are both legal and practical reasons for this rule. Legally, the federal government has primary responsibility over immigration, and Congress has enacted detailed statutory provisions specifying exactly when and how *federal* agents may detain a person based on their removability.<sup>40</sup> It would disrupt this Congressional

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<sup>35</sup> ECF No. 287, Judgment, *Orellana Castaneda v. County of Suffolk*, Case No. 17-CV-4267 (WFK) (E.D.N.Y. Nov. 12, 2025) (jury award of \$125 million in damages to class of people held in county jail solely on immigration detainers); *see also Orellana Castaneda v. County of Suffolk*, 2025 WL 481723, at \*1 (E.D.N.Y. Jan. 2, 2025) (awarding summary judgment on liability to class), *appeal dismissed*, 2025 WL 2319643 (2d Cir. June 16, 2025); *accord, e.g.*, Luis Ferré-Sadurní, *New York City to Pay \$92.5 Million to Improperly Detained Immigrants*, N.Y. Times (Dec. 18, 2024), <https://www.nytimes.com/2024/12/18/nyregion/migrants-detention-settlement-deportation.html>.

<sup>36</sup> Contrary to the weight of authority, one court upheld a state law that *authorized* detention of individuals subject to ICE detainers, finding that the plaintiffs had not established that the law violated the Fourth Amendment in every application. *City of El Cenizo v. Texas*, 890 F.3d 164 (5th Cir. 2018). The decision does not call into doubt the authority of states to ban such detention.

<sup>37</sup> <https://foxbaltimore.com/news/local/carroll-county-sheriff-says-ice-cooperation-continues-despite-ban-immigration-maryland>; <https://www.foxnews.com/politics/sheriffs-plot-ice-cooperation-workarounds-after-new-maryland-law-bans-cooperation-immigration-officers>.

<sup>38</sup> *Morales*, 793 F.3d at 217.

<sup>39</sup> *Arizona*, 567 U.S. at 410.

<sup>40</sup> *Id.* at 407-09

scheme to have state and local agents also making detention decisions.<sup>41</sup> Practically, “[t]here are significant complexities involved in enforcing federal immigration law, including the determination whether a person is removable,”<sup>42</sup> and it is unduly burdensome to expect state and local agents untrained in immigration law to make decisions about immigration law’s many nuances.

These bills further the important goals of making the ban on detention to investigate someone’s immigration status or based on a belief about that person’s removability more explicit and providing a judicial remedy for breaches, therefore ensuring that people across Maryland are free from unlawful detention.

#### **4. Federal Law Generally Allows States to Prohibit Investigating an Individual’s Citizenship Status.**

Although it is unlawful to prolong someone’s detention solely to investigate their citizenship status, another provision of these bills prohibits taking steps to investigate or inquire about a person’s immigration status or place of birth. This provision of these bills provides additional protection to ensure that even if a person *is* lawfully in detention for some other basis, law enforcement will not investigate their immigration status.

Federal law allows (but does not require) state and local governments to share information with the federal government about who is in state or local custody, including information about such individual’s immigration status. However, by statute (8 U.S.C. §§ 1373 and 1644), Congress has decreed that a state “may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the [Department of Homeland Security] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”<sup>43</sup> This statutory command is very narrow: it only applies to “information regarding the citizenship or immigration status” of an individual. And the only information captured by that phrase is “an individual’s category of presence in the United States—e.g., undocumented, refugee, lawful permanent resident, U.S. citizen, etc.—and whether or not an individual is a U.S. citizen, and if not, of what country.”<sup>44</sup> Federal statutes therefore allow states to restrict

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<sup>41</sup> *See id.* at 409.

<sup>42</sup> *Id.* at 409.

<sup>43</sup> 8 U.S.C. § 1373(a); *see also* 8 U.S.C. § 1644 (similar).

<sup>44</sup> *City of Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 333 (E.D. Pa. 2018), *aff’d in part, vacated in part on other grounds*, 916 F.3d 276 (3d Cir. 2019); *see also, e.g., California*, 921 F.3d at 891 (“[T]he phrase ‘information regarding the citizenship or immigration status, lawful or unlawful, of any individual’ is naturally understood as a reference to a person’s legal classification under federal law[.]”); *County of Ocean v. Grewal*, 475 F. Supp. 3d 355, 376 (D.N.J. 2020) (“[S]ections 1373(a) and 1644 apply only to information specifically regarding an individual’s immigration or citizenship status, *i.e.*, whether the individual is a U.S. citizen, green card holder, or holds some other legal or unlawful status in the United States[.]”), *aff’d*, 8 F.4th 176 (3d Cir. 2021); *Steinle v. City & Cnty. of San Francisco*, 919 F.3d 1154, 1164 (9th Cir. 2019).

communication of other information, such as a person’s home address, potential release date, or other identifying information.

Although federal statutes prohibit state and local restrictions on *communicating* information of an individual’s immigration status with the federal government, federal law does not require state and local officials to *ask* about the citizenship or immigration status of those they encounter. Indeed, the Department of Homeland Security has long recognized that federal law does not provide a state or local officer with authority to investigate an individual’s immigration status in order to communicate it to DHS.<sup>45</sup> Thus, many jurisdictions have properly limited their officers’ authority to investigate immigration status, recognizing the very real possibility of racial profiling.<sup>46</sup> Nothing in federal law prevents a state or local government from prohibiting their officers from asking a person about their immigration status or other related information.

The Supreme Court has not decided whether Section 1373 and 1644’s restrictions are constitutional. However, lower federal courts have concluded that they violate the constitutional principle that the federal government may not commandeer or coerce state governments.<sup>47</sup> The conclusion of these lower courts follows from the Supreme Court’s 2018 decision in *Murphy*, which held that Congress may not “dictate[] what a state legislature may and may not do,” such as by prohibiting a state from passing certain legislation.<sup>48</sup> Under this precedent, there is a strong chance that courts will deem the federal statutory provisions in Section 1373 and 1644 to be unconstitutional and unenforceable.

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In conclusion, these bills fall within Maryland’s constitutional prerogative to protect its residents, conserve its resources, and refuse to cooperate with the federal government’s enforcement efforts.

Respectfully submitted by Joseph Mead, jm3468@georgetown.edu, 202-662-9765.

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<sup>45</sup> Department of Homeland Security, Guidance on State and Local Governments’ Assistance in Immigration Enforcement and Related Matters (July 16, 2015), <https://www.dhs.gov/xlibrary/assets/guidance-state-local-assistance-immigration-enforcement.pdf>.

<sup>46</sup> *E.g.*, *Glob. Neighborhood v. Respect Wash.*, 434 P.3d 1024, 1050 (Wash. Ct. App. 2019) (holding that a policy “limiting questioning of individuals about immigration status and citizenship status also fulfills strictures of federal law” and furthers law enforcement’s obligation to avoid racial profiling).

<sup>47</sup> *E.g.*, *United States v. Illinois*, 796 F. Supp. 3d 494, 525 (N.D. Ill. 2025) (“The Constitution does not allow Congress to legislate on States in this way, and §§ 1373 and 1644 do just that.”); *Cnty. of Ocean v. Grewal*, 475 F. Supp. 3d 355, 379 (D.N.J. 2020) (collecting cases), *aff’d on other grounds*, 8 F.4th 176 (3d Cir. 2021).

<sup>48</sup> *Murphy*, 584 U.S. at 474.