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POSITION ON PROPOSED LEGISLATION

BILL: HB719 Public Safety - Immigration Enforcement - Prohibition Against Sanctuary Policies

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: March 2, 2026

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on HB719.

This bill would (1) eliminate the state law preventing police on the street from detaining people, prolonging detentions, or interrogating people to investigate a civil immigration violation; (2) eliminate current laws intended to protect MVA and other personal data held by the state from being utilized for civil immigration enforcement, including by use of facial recognition software; and (3) eliminate state and local policies limiting cooperation between ICE and local law enforcement, including abrogating the recent legislation banning 287(g) agreements statewide. All of these changes would erode trust in Maryland's law enforcement and other institutions, ultimately undermining public safety.

Repealing Md. Crim. Proc. 5-104 would, in combination with the provision repealing the 287(g) ban, have the effect of legalizing Task Force Model 287(g) agreements, allowing for full deputization of local police officers on the street to act as ICE agents. The bill also precludes policies preventing local law enforcement from "participating" in federal immigration enforcement operations alongside federal authorities even without participation in a 287(g) program. Becoming entangled with immigration enforcement in this way invites racial profiling, which the federal government is currently defending as a legitimate tactic in immigration enforcement. It would also chill victims, who will have even more reason to fear that calling for help will lead to either their deportation, or the deportation of someone they care about. This level of participation in civil immigration

enforcement would hamstring police, who need the trust and cooperation of communities in order to prevent and respond to crime. All of this undermines rather than enhances public safety.

In prohibiting any policy that limits “complying with an immigration detainer,” the bill also seems to indirectly mandate that jurisdictions engage in illegal detentions, by prohibiting any policy that would prevent officials from “complying” with an immigration detainer’s administrative request to illegally detain a person for 48 hours without judicial authorization.

This bill erodes the rights of Marylanders, undermines our values, and invites costly litigation.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB719.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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