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## POSITION ON PROPOSED LEGISLATION

**BILL: HB725 - Correctional Services - Immigration Enforcement - Required Notice  
and Transfer**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: March 2, 2026**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on HB725.

This legislation, while stopping short of directly mandating that our local officials engage in illegal detentions (in contrast to HB675 and HB719), would nonetheless undermine trust in our institutions by mandating that local officials assist in civil immigration enforcement any time a person has been arrested—which is to say, merely accused—of any Maryland offense, however minor, and without waiting for or respecting the outcome of our state judicial process. Put directly, this bill would mandate that Marylanders who have been mistakenly arrested or falsely accused will be vindicated in our courts and then immediately offered up for deportation. It would mandate that a father who misses a court date for driving uninsured because his mail was misdelivered, will be offered up for deportation when he's arrested on the bench warrant, as soon as he explains the confusion to the commissioner and is inevitably released on his own recognizance. He will not see his day in court. It will require that a mother caught shoplifting who is given a second chance by the court due to her clean record and obvious desperation, will nonetheless be offered up for deportation after her case is resolved.

In fact, the majority of individuals impacted by state and local cooperation with ICE have not been convicted of any crime, and only a tiny number have been convicted of a serious offense. From January to October of 2025, 75% of the people booked into ICE detention as a result of an ICE

detainer issued to state or local facilities in MD had no conviction at all.<sup>1</sup> Of those with convictions, nearly 40% had a most serious conviction that was a traffic offense (excluding negligent homicide by motor vehicle). 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 ultimately proven—is 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 being sentenced for a relatively minor offense, it fuels the valid perception that even a minor or mistaken run-in with police is dangerous, because even if the underlying issue can be cleared up later, that resolution will not prevent the interaction from turning into a deportation. A community that fears engagement with law enforcement is vulnerable, and widespread fear hinders the effective enforcement of Maryland criminal law, eroding public safety for all. For the same reasons that it was important to protect courthouses 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—when local jails communicate extensively with ICE, as this bill would require them to do.

**For all of these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB725.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.  
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<sup>1</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>.