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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB 309
Arrests at Courthouses

Testimony by Delegate Vaughn Stewart
February 4th, 2026 | Judiciary Committee

Introduction

HB 309 is a courthouse access and court integrity bill. It is about preserving the ability of Maryland's courts to function safely, fairly, and as intended. It does not shield criminal conduct, interfere with valid judicial warrants, or regulate federal enforcement policy. Instead, it establishes clear rules governing arrests for certain civil offenses *within the physical grounds of judicial facilities*, in order to protect access to justice and the orderly administration of Maryland's courts.

What HB 309 Does

HB 309 establishes statutory protections that prohibit stops, detentions, or arrests on the grounds of judicial facilities for specified civil offenses, subject to carefully defined exceptions. These protections apply only within courthouse property and are designed to ensure that court participants can safely attend proceedings without fear of unrelated civil enforcement actions.

The bill also provides limited enforcement mechanisms: a private right of action for violations and authority for the Attorney General to seek injunctive relief. These remedies ensure the statute is meaningful, enforceable, and consistent with existing civil rights frameworks.

Importantly, HB 309 does **not** prohibit arrests pursuant to judicial warrants, does **not** restrict criminal enforcement, and does **not** prevent law enforcement from acting where public safety is at risk. Its scope is narrow and targeted.

Why This Matters

Courthouses occupy a unique constitutional and civic role. They are the place where Marylanders appear to assert rights, comply with legal obligations, and participate in the justice system as victims, witnesses, defendants, jurors, and family members.

If people are deterred from entering courthouses, the justice system fails—regardless of the merits of the underlying case.

Across the country, documented enforcement practices involving civil arrests at or near courthouses have raised serious concerns about access to justice. When routine court attendance carries a risk of unrelated civil detention, participation declines. Victims hesitate to testify. Witnesses fail to appear. Defendants default. Parents miss child support hearings. Tenants forfeit lawful defenses in eviction proceedings.

The result is not improved public safety. The result is fewer cases decided on the merits and greater strain on courts, families, and communities.

This is not hypothetical. Jurisdictions that have seen increases in civil enforcement activity at courthouses have also seen measurable declines in court appearance rates among vulnerable populations—undermining the very purposes courts exist to serve.

The Constitutional and Legal Framework

HB 309 is firmly grounded in Maryland's authority over its own courts.

States possess well-established power to regulate the administration, security, and use of judicial facilities, including who may engage in enforcement activities on courthouse property and under what circumstances. Courts routinely impose time, place, and manner restrictions within courthouse grounds to preserve safety, neutrality, and access.

HB 309 operates squarely within that tradition.

The bill does **not** regulate federal immigration law, does **not** prevent federal officers from executing judicial warrants, and does **not** attempt to nullify federal authority. Instead, it defines conditions under which arrests for specified civil matters

may occur *on state courthouse property*—a domain where Maryland has both a compelling interest and longstanding regulatory authority.

By focusing on location, process, and court function—rather than on the substance of any federal enforcement regime—the bill is carefully designed to avoid preemption concerns while protecting core state interests.

Why This Bill Is Necessary

Courts cannot function if fear replaces trust.

When people avoid court, cases collapse. When witnesses disappear, accountability disappears. When victims stay home, abusers go free. When defendants default, judgments lose legitimacy.

HB 309 ensures that Maryland courthouses remain neutral spaces where legal rights can be exercised without intimidation or collateral consequences unrelated to the proceeding at hand. That neutrality protects everyone—regardless of background, legal status, or circumstance.

This is not about privileging any group. It is about protecting the integrity of the justice system itself.

Why the Committee Should Vote Favorably

HB 309 strengthens due process, protects public safety, and reinforces confidence in Maryland's courts. It establishes clear, enforceable rules that balance enforcement authority with the fundamental need for accessible, functioning judicial institutions.

Every person who is required to appear in court should be able to do so without fear that participation itself will expose them to unrelated civil arrest. That principle is essential to fairness, constitutional governance, and the rule of law.

For these reasons, I respectfully urge the Committee to issue a favorable report on House Bill 309.

Thank you.