

Testimony on House Bill 1575

Community Trust Act

Delegate N. Scott Phillips, Esq.

Good afternoon Madam Chair, Madam Vice Chair, and Members of the Judiciary Committee.

I am Delegate N. Scott Phillips, Legislative District 10 requesting a favorable report for House Bill 1575, the Community Trust Act

This bill does one essential thing: it draws a clear constitutional line between Maryland's criminal law enforcement responsibilities and federal civil immigration enforcement.

House Bill 1575 prohibits state and local correctional employees and law enforcement officers from inquiring into a person's citizenship or immigration status during routine stops, searches, arrests, or booking — unless it is material to a criminal investigation or necessary to provide a protection under law.

It prohibits detaining or prolonging detention based solely on suspicion of a civil immigration violation.

It prohibits transferring an individual to federal immigration authorities or notifying immigration authorities of custody unless there is a valid judicial warrant — and the bill makes clear that administrative documents issued by federal agencies are not judicial warrants.

It also requires agencies to adopt written policies and provides accountability if those policies are violated.

What this bill does not do is equally important.

It does not prevent cooperation on criminal matters.

It does not shield violent offenders.

It does not interfere with federal supremacy.

If federal authorities present a valid judicial warrant, cooperation may occur.

But civil immigration detainers are not signed by judges. They are administrative requests. Holding someone beyond their lawful release based solely on that request exposes local jurisdictions to constitutional liability.

The Fourth Amendment protects “persons” from unreasonable seizures. The Fifth Amendment guarantees due process to “persons.” Those protections are limits on government power — they are not limited to citizens.

At this moment in our country, we are seeing aggressive civil immigration enforcement tactics — extended detentions, custody notifications, and status inquiries during routine encounters. When state actors participate in civil enforcement without judicial process, constitutional lines blur.

This bill restores clarity.

It protects Maryland taxpayers from costly litigation.

And it protects public safety.

When immigrant communities believe that any interaction with local police could trigger immigration consequences, crimes go unreported. Victims stay silent. Witnesses disappear. Trust erodes.

Effective policing depends on cooperation. Cooperation depends on trust.

The Community Trust Act ensures that Maryland law enforcement remains focused on Maryland criminal law, while civil immigration enforcement remains a federal responsibility carried out with proper judicial process.

This is about constitutional fidelity, public safety, and clear lines of authority.

For those reasons, I respectfully ask for a favorable report on House Bill 1575.

Thank you.