



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: HB1536 Maryland Enforcement Limits and Transparency (MELT) Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 9, 2026

The Maryland Office of the Public Defender respectfully requests a favorable report on HB1536.

This legislation creates a clear pathway to civil accountability for state and local actors who violate a person's constitutional rights in the name of assisting with the enforcement of civil immigration law. This is a valuable deterrent and accountability mechanism for those who would ignore the Constitution in the name of immigration enforcement, and represents one of a number of bills under consideration that seek to prevent Maryland's power and resources from being used to support the increasingly lawless actions of federal immigration authorities.

The problem of Maryland state and local actors engaging in rights violations at the behest of immigration enforcement is far from hypothetical, and enabling clearer accountability will help to curtail widespread violations.

Across Maryland, people are regularly being illegally held on administrative ICE "detainers" after they are ordered released from local custody, without judicial authorization. This occurs both under written policies that systematically allow for illegal holds, as well as where jail policies are unclear or incorrectly applied. These holds happen after acquittals and dismissals, as well as after convictions.

The Anne Arundel County Department of Detention Facilities policy on detainers provides a prime example, as it provides that upon disposition of local charges for a person subject to an administrative ICE detainer, ICE shall be notified that the person is ready for release. It then leaves

to a case-by-case determination by a jail official the question of exactly how long a person is to be held illegally, after they have been ordered released from state custody:

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. As such CRC shall contact the Superintendent or CFA if ICE is unable to assume custody.¹

These rights violations are not entirely confined to detention centers. In Carroll County, for example, documents obtained via MPIA request revealed that local law enforcement apparently arrested someone based only on an administrative “ICE Warrant”—an action which they have no authority to take and is explicitly prohibited by Md. Crim. Proc. § 5-104. After this unauthorized and illegal arrest, law enforcement attempted to have the person booked into the Carroll County Detention Center without a criminal charge. Following this incident, a Colonel at the Sheriff’s Department issued instructions purporting to clarify what should be done when law enforcement encounters an individual with an administrative “ICE warrant.” While this advice correctly indicated that the Detention Center could not accept such a detainee, it provided the following suggestion for officers on the street:

*If your officers should come upon someone wanted by ICE and they do not have local charges, they should **contact ICE directly and see if they want to take custody of the person. That subject should then be release [sic] directly to ICE from the street or station/barrack, not Central Booking.**²*

This suggests that a number of Carroll County law enforcement officials had been operating under the assumption that they could make street arrests on behalf of ICE, based solely on ICE’s request and/or an administrative warrant never reviewed by any judicial officer; that they did in fact make at least one such arrest; and that the response from superiors to that egregious rights violation was to suggest that next time, the unconstitutional detention should simply happen at a police station or on the side of the road instead of at the local jail.

These examples are stark, but not unique. These practices, and others like them around the state, demonstrate a frightening level of confusion about what Maryland law and the Constitution permit in the absence of a judicial warrant. Such confusion can persist only in the absence of meaningful

¹ Anne Arundel County Department of Detention Facilities policies, Section 4: Detainers, ICE Detainers. Obtained by MPIA request by the Office of the Public Defender.

² Sept 17, 2025 email from Col. Stem, Carroll County Sheriff’s Department to multiple unidentified recipients in addition to Baker, Cpl. Parks, Naill, Stower, and Rushing, re: Acceptance of Certain Individuals into CC Central Booking, obtained by MPIA request by American Oversight. Emphasis added.

accountability. This House Bill 1536 would facilitate accountability and ensure that Maryland law enforcement remains governed by the Constitution.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 1536.

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

Authored by: Stephanie Wolf, Maryland Office of the Public Defender, Immigration Division.