



Testimony for the House Judiciary Committee

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**HB 675 – Public Safety – Immigration Enforcement – Immigration
Enforcement Agreements**

**HB 719 – Public Safety – Immigration Enforcement – Prohibition
Against Sanctuary Policies**

**HB 725 – Correctional Services – Immigration Enforcement –
Required Notice and Transfer**

UNFAVORABLE

The ACLU of Maryland and WE ARE CASA oppose HB 675, HB 719 and HB 725, which collectively seek to require both formal and informal forms of state and local collaboration with federal immigration enforcement. Specifically, HB 675 mandates that all local law enforcement agencies which operate a jail enter into a 287(g) contract with ICE, the exact agreements recently banned by passage of HB 444/SB 245. HB 719 and HB 725 would essentially require jurisdictions to comply with any detainer requested by ICE and to proactively share information about individuals they encounter. These bills, designed to divert even more local resources toward enabling mass deportations of innocent Marylanders, would make us less safe, undermine due process, and would likely be forcing localities to violate the Constitution.

Local law enforcement’s duty is to protect and serve their communities—not to carry out federal immigration enforcement. There is a chilling effect when residents fear that calling the police will lead to deportation. According to Mike Hilliard, retired major of the Baltimore Police Department, “When trust erodes, crimes go unreported, victims stay silent, and dangerous offenders remain on the streets.”¹

¹ HB 1222 – Public Safety – Immigration Enforcement (Maryland Values Act). Written Testimony of Mike Hilliard. House Judiciary Committee. 447th Maryland General Assembly Session. 28 Mar. 2025.

https://mgaleg.maryland.gov/cmt_e_testimony/2025/jpr/1SF7Otf SCU0o2NzG4iZnwhzPE n5tWXEa.pdf

Proponents of full cooperation with ICE claim that transferring individuals directly from jails to federal custody reduces crime by removing violent criminal offenders from our communities. However, most people in local jails have not been convicted of any crime, and many are held only for low-level allegations like trespassing or disorderly conduct. Nationally, more than 80% of people in jail are legally presumed innocent, having only been accused, but not proven guilty.² This practice of voluntarily holding and funneling people into ICE's deportation pipeline before they ever have their day in court clearly undermines the presumption of innocence.

National data shows that when ICE is allowed to use our legal justice system as a dragnet and force multiplier, it effectively frees up agents to conduct even more street-level enforcement. This invites additional use of ICE's often violent and sometimes fatal tactics directly into our neighborhoods, making all of us less safe.³

According to the Maryland Attorney General, state and local law enforcement agencies and detention facilities open themselves up to legal liability for making the decision to detain an individual—for any length of time—based solely on an ICE detainer request. These requests, which are simply ICE administrative documents as opposed to warrants signed by a judge, ask state and local law enforcement authorities to detain a person past their scheduled release date. As such, they constitute a subsequent detention that must be justified under the Fourth Amendment,⁴ which protects against unlawful seizures. An ICE detainer alone does not meet the standard for a reasonable seizure.⁵ ICE detainers still require probable cause, meaning requests by ICE for prolonged detention should include a judicial warrant issued by a neutral magistrate.

² Based on ICE data retrieved through FOIA and analyzed by Prison Policy Initiative: “New ICE arrest data show the power of state and local governments to curtail mass deportations.” <https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/#:~:text=They%20are%20heavily%20reliant%20on,into%20the%20hands%20of%20ICE>.

³ Written testimony submitted to the Maryland General Assembly in 2026 for HB 444, by Stephanie Wolf, Director of Immigration Services at the Maryland Office of the Public Defender. https://mgaleg.maryland.gov/cmte_testimony/2026/jud/1F-MiGLCg10xyPvOOLEHvjtmU_j8e-xq.pdf

⁴ See, e.g., *Illinois v. Caballes*, 543 U.S. 405, 407-08 (2005); *Morales v. Chadbourne*, 793 F.3d 208, 215 (1st Cir. 2015) and see https://oag.maryland.gov/FederalActionsResponse/Documents/pdfs/Memorandum_Law%20Enforcement_OCT%2025.pdf

⁵ See, e.g., *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Or. Apr. 11, 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2013); *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Jimenez-Moreno v. Napolitano*, F.Supp.3d, 2016 WL 5720465 (N.D.Ill. Sept. 30, 2016).

ICE unquestionably has the funding and the tools, including access to the FBI's fingerprint database, to apprehend anybody it targets. And while mandating that Maryland use its own resources to assist them will help the federal administration hit its quota of 3,000 daily arrests, we continue to do so at the expense of our own public safety and rule of law.

For these reasons, the ACLU of Maryland and WE ARE CASA urge an unfavorable report on HB 675, HB 719 and HB 725.

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