



Written Testimony – Favorable with Amendments

HB0630 – Correctional Services – Immigration Detention Facilities – Original Design and Construction

My name is Ethan Wechtaluk. I am a Maryland resident, a father, and a candidate for Congress in Maryland's 6th District. I submit this testimony in strong support of HB0630 and to explain why targeted amendments are necessary to fully effectuate the bill's purpose.

HB0630 responds to a structural failure in how immigration detention has been permitted to operate without clear, enforceable standards or meaningful accountability. Detention represents one of the most serious exercises of government authority: the deprivation of liberty. Allowing individuals to be confined in buildings never designed or constructed for detention reflects not mere administrative oversight, but a breakdown in governance that disregards public safety, constitutional responsibility, and human dignity.

Facilities not purpose-built for detention are not neutral spaces. They frequently lack the physical infrastructure and operational design necessary to ensure basic safety, adequate medical care, effective supervision, and constitutional safeguards. When confinement occurs in retrofitted or improvised structures, the resulting risk is not incidental but structural—placing detained individuals, staff, and surrounding communities in predictable danger. These outcomes are the foreseeable consequence of treating detention as a logistical convenience rather than as a profound legal and moral responsibility.

HB0630 establishes a clear and non-negotiable principle: if government exercises the power to detain, it bears an affirmative obligation to ensure detention occurs only in facilities designed to carry out that function safely,

lawfully, and humanely. This principle is not ideological. It is a test of institutional competence, accountability, and fidelity to the rule of law. History demonstrates that systems willing to cut corners on the physical conditions of confinement will inevitably cut corners on rights, safety, and oversight as well.

Maryland possesses both the authority and the responsibility to regulate land use, zoning, and public contracting in a manner that protects communities and human dignity. That authority arises from the State's traditional police powers. The United States Supreme Court has long recognized that land use regulation falls squarely within state sovereignty. *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).

HB0630 does not regulate immigration policy. It regulates buildings, contracts, and community process. That distinction is constitutionally significant.

To ensure the bill is durable and enforceable, I respectfully recommend the following amendments.

Clarify Definitions to Prevent Loopholes

The bill prohibits operating immigration detention facilities in buildings not "originally designed and constructed" for detention. Without clarification, that phrase risks ambiguity.

The term should be defined by reference to objective documentation, including:

- Original architectural plans
- Building permits
- Certificates of occupancy

This prevents retroactive reinterpretation of warehouses, converted office parks, or temporary modular structures as "detention-ready."

The definition of "immigration detention facility" should also:

- Explicitly include facilities operated under federal contract within local jails.
- Include temporary, modular, or repurposed structures used for detention.

- Clarify that the bill governs civil immigration detention and does not regulate state criminal incarceration authority.

Clear definitions foreclose evasion and ensure uniform application.

Add Enforcement Authority

The bill establishes prohibitions but does not specify enforcement mechanisms.

It should authorize the Maryland Attorney General to seek declaratory and injunctive relief and establish meaningful civil penalties for knowing violations. Each day of unlawful operation should constitute a separate violation.

Maryland retains the authority to decline participation in federal regulatory programs. The Supreme Court has affirmed that the federal government may not commandeer states to administer federal enforcement priorities. *Printz v. United States*, 521 U.S. 898 (1997); *Murphy v. NCAA*, 584 U.S. 453 (2018).

HB0630 operates within this anti-commandeering doctrine. It does not obstruct federal enforcement. It simply declines state facilitation and regulates private land use within Maryland's jurisdiction. Enforcement provisions make that position credible.

Strengthen Constitutional Framing to Withstand Preemption Challenges

Opponents may raise Supremacy Clause objections. However, courts distinguish between direct interference with federal enforcement—which is impermissible—and state regulation of land use and public contracting—which remains squarely within state authority.

States retain broad authority in areas of traditional state concern unless Congress clearly occupies the field. *Arizona v. United States*, 567 U.S. 387 (2012), confirms that while immigration regulation is federal, states maintain independent sovereign authority in domains such as zoning and contracting.

HB0630 should include legislative findings clarifying that:

- The State is regulating land use and public contracts.
- The bill does not regulate immigration status determinations or removal decisions.
- Nothing in the subtitle prohibits federal authorities from operating federally owned and federally managed facilities.

This language reinforces constitutional footing and strengthens the statute against foreseeable litigation.

Summary

The use of unsuitable detention facilities corrodes public trust. Marylanders should not be left to wonder whether individuals are being confined in warehouses, converted commercial spaces, or improvised structures simply because enforcement priorities outpaced planning and oversight.

Legitimacy in the exercise of government power depends on transparency and standards that are clear, enforceable, and consistently applied. The proposed amendments ensure that HB0630 meets that standard.

Maryland has both the authority and the obligation to ensure that the most coercive powers of government are exercised with restraint, care, and integrity. HB0630 is an important step in that direction. The recommended amendments ensure that step is firm, enforceable, and durable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ethan Wechtaluk', written in a cursive style.

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