



## **Testimony in SUPPORT WITH AMENDMENT of House Bill 309**

SB 60 – Judicial Facilities - Stops, Detentions, and Arrests - Limitations  
House Judiciary Committee

Dear Honorable Chair Bartlett, Vice Chair Davis, and Members of the Committee:

CASA respectfully submits this testimony **in support of House Bill 309, with amendments.**

CASA is a national organization dedicated to building power and improving the quality of life in working-class Black, Latino/a/e, Afro-descendant, Indigenous, and immigrant communities. With a membership of more than 189,000 people, CASA advances change through a proven power-building model that integrates direct services, grassroots community organizing, and policy advocacy. For nearly forty years, CASA has brought communities together to fight for justice while delivering essential services throughout Maryland and beyond.

**CASA supports the intent of HB 309 because it would help protect the integrity of Maryland's courts by limiting immigration enforcement actions within courthouses.** As written, the bill would prohibit Immigration and Customs Enforcement (ICE) from making arrests inside courthouses unless the agency possesses a warrant. This protection is critically important to CASA members, many of whom experience fear and intimidation when attending court proceedings due to the escalating threat of ICE enforcement.

Ensuring that individuals can access the courts without fear advances due process, promotes public safety, and preserves the regular and orderly administration of justice. States have a compelling interest in safeguarding their judicial systems from disruptions that deter participation and undermine confidence in the rule of law.

However, while CASA supports HB 309's goal, the bill requires substantial amendments to better protect Maryland residents and to reduce the risk of constitutional challenges.

### **Judicial Warrants Must Be Clearly Required**

As drafted, HB 309 would still allow ICE to enter courthouses using administrative warrants, which are not signed by a judge. Under current federal law, administrative warrants may permit ICE to detain individuals in public or semi-public spaces, but they do not authorize entry into private areas. CASA urges the General Assembly to clarify that only judicial warrants may be used to effectuate an arrest within a state courthouse.

Such a clarification would align Maryland law with New York's law which has not been struck down on constitutional grounds and serves as a strong model for balancing state authority and federal enforcement.

### **Distinguishing Courthouses from Surrounding Areas**

HB 309 currently does not sufficiently distinguish between arrests inside courthouses and enforcement actions in surrounding areas. While states possess broad authority over their own courts, attempts to restrict federal enforcement in surrounding public spaces may raise federal preemption concerns.

Courts have long recognized the state's authority to control conduct within and immediately related to judicial facilities. In *Adderley v. State of Florida*, the Supreme Court affirmed that "the State, no less than a private owner of property, has power to preserve the property under its control for the use to which it is lawfully dedicated." Similarly, in *Cox v. Louisiana*, the Court recognized a state's legitimate interest in protecting its judicial system from external pressures near courthouses.

To best protect HB 309 from constitutional challenge, the statute should: 1) Clearly distinguish between courthouses themselves and surrounding public or private spaces; and 2) Include a severability clause stating that if any portion of the law is found unconstitutional, the remaining provisions shall remain in effect.

### **Exceptions Are Overly Broad**

Finally, HB 309 includes too many and overly broad exceptions to the Fourth Amendment warrant requirement. Exceptions based on felony offenses, criminal law, or local law are particularly concerning, as they could be interpreted to include immigration-related offenses and other low-level charges, thereby undermining the bill's purpose.

CASA is pleased to work with the bill sponsor to carefully and thoughtfully narrow these exceptions, ensuring that the protections provided by HB 309 are not easily circumvented.

### **Conclusion**

CASA supports HB 309 because it advances access to justice, protects due process, and strengthens the integrity of Maryland's courts. With targeted amendments clarifying the warrant requirement, narrowing exceptions, and reducing constitutional risk, this legislation can more effectively serve Maryland residents and withstand legal scrutiny.