



Testimony for the House Judiciary Committee

House Bill 309: Judicial Facilities - Stops, Detentions, and Arrests - Limitations

February 4, 2026

FAVORABLE

SEBASTIAN BROWN
PUBLIC POLICY ADVOCACY
STRATEGIST

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 200
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
COREY STOTTLEMYER
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on HB 309, which seeks to prohibit law enforcement from stopping, detaining, or arresting people for certain civil offenses near a judicial facility unless it is in accordance with a valid warrant, criminal suspicion, or other listed requirements.

This legislation tackles the issue of law enforcement weaponizing courthouses and engaging in chaotic and terrifying enforcement practices. Under the current administration's mass deportation agenda, the public has seen an influx of law enforcement sitting in on immigration proceedings in courtrooms, coordinating with agents waiting in the hallways, and swarming, grabbing, and arresting immigrants just as they are leaving their hearings.

In the past year, dozens of courthouse arrests have been reported in Baltimore City alone.¹ In one such incident in July 2025, two ICE agents detained an individual visiting the Clarence M. Mitchell, Jr. Courthouse when a Maryland corrections employee independently called ICE, who subsequently detained the individual.² While details were not made public, this individual could have been there as a witness to a crime or even a victim. Not only is this tactic antithetical to legal enforcement, in which the unsuspecting individuals are already engaged in a legal process in many cases, but this is occurring without law enforcement obtaining a valid judicial warrant or without suspicion that a crime has taken place.

The presence of these officers and increased immigration arrests have created deep insecurity and fear among immigrant communities, stopping many from coming to court or even calling police in the first place.

¹ <https://www.wbaltv.com/article/marylanders-protesting-data-ice-arrests-nearly-tripled-2025/69980610>

Lockman, JT Moodee, Paul, Ashley, Person detained by ICE in Baltimore <https://www.cbsnews.com/baltimore/news/maryland-immigration-ice-arrest-baltimore-courthouse-investigation/>

An extensive survey in President Trump’s first administration of hundreds of judges, law enforcement, prosecutors and legal service providers, conducted jointly by the ACLU and the National Immigrant Women's Advocacy Project (NIWAP), shows that the fear of deportation — magnified by immigration arrests in courthouses since President Trump took office — is stopping immigrants from reporting crimes and participating in court proceedings. What is clear from the results is that when immigration officers conduct arrests in courthouses, there can be significant damage to the ability of the police, prosecutors, defenders, and judges to deliver justice.

More than 50 percent of police surveyed said domestic violence, human trafficking, and sexual assault crimes are now harder to investigate because immigrant crime survivors are afraid to seek assistance. Fifty-four percent of judges participating in this survey reported that court cases were interrupted due to an immigrant crime survivor’s fear of coming to court.³

This bill is critical to build on the 2025 Values Act, which designated courthouses as “sensitive locations.”

This designation required courthouses to generally deny access to public federal immigration authorities seeking to enforce immigration law without a judicial warrant in any space within the courthouse that was not publicly accessible. However, there are loopholes that ICE has continued to exploit by making arrests inside public areas within courthouses, as well as on the premises and nearby sidewalks. In light of ramped up and often lawless federal immigration enforcement, it is critical that Maryland pass this measure so that individuals trying to handle court related matters can do so without the disruption or threat of ICE’s presence, to the extent possible and in accordance with federal and state law.

For courthouses, there is a longstanding common law tradition against civil arrests at courthouses, dating back to 18th century England, which was extended not just to parties and witnesses in a case, but to all people “necessarily attending” the courts on business, including those coming to and returning from the courthouse.⁴ The Supreme Court has explicitly upheld the tradition as well.⁵

The Supreme Court has also upheld the right to access court as a constitutional right rooted in the Fifth Amendment.⁶ The Court went further to explain the

³ <https://www.aclu.org/freezing-out-justice>

⁴ William Blackstone, *Commentaries on the Laws of England* 289 (1769)

⁵ See *Lamb v. Schmitt*, 283 U.S. 222, 225 (1932) (“witnesses, suitors, and their attorneys, while in attendance in connection with the conduct of one suit are immune from service of process in another.”)

⁶ See e.g. *United States v. Kras*, 409 U.S. 434, 440 (1973).

administration of justice benefits when people are not afraid to attend court proceedings.⁷ The threat of civil arrests, therefore, interferes with the right to access the court, because without the necessary parties in attendance, administration of justice is impossible. Please note that the constitutional right to access court applies to noncitizens as well.⁸

Additionally, a Federal District Court recently upheld the constitutionality of similar New York legislation, finding that the 10th Amendment permits states to decide whether to assist federal law enforcement in making ICE arrests at courthouses.⁹

Immigration enforcement at courthouses greatly undermines the security of vulnerable communities and the fundamental right to equal protection under the law, shared by noncitizens and citizens. The ACLU of Maryland firmly believes it is Maryland's responsibility to ensure that we all receive the full rights and protections the law affords us, and that our justice system does not further split into separate classes for the powerful and powerless in our state.

To that end, HB 309 is a step in the right direction, and the ACLU of Maryland urges a favorable report on this bill.

⁷ *Lamb v. Schmitt*, 283 U.S. 222, 225 (1932) (“As commonly stated and applied, [the privilege] proceeds upon the ground that the due administration of justice requires that a court shall not permit interference with the progress of a cause pending before it, by the service of process in other suits, which would prevent, or the fear of which might tend to discourage, the voluntary attendance of those whose presence is necessary or convenient to the judicial administration in the pending litigation.”)

⁸ *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

⁹ Uebelacker, Erik, *Trump Loses Challenge to NY law barring state courthouse ICE arrests*, Courthouse News Service, November 18, 2025, <https://www.courthousenews.com/trump-loses-challenge-to-ny-law-barring-state-courthouse-ice-arrests/>