

May 26, 2021

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H-101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 16 – *Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act)* and House Bill 23 – *Personal Information – State and Local Agencies – Restrictions on Access (Maryland Driver Privacy Act)*.

As I have stated throughout my time in office, I remain steadfast in my opposition to any legislative or regulatory efforts that would hinder cooperation with federal law enforcement and make Maryland a sanctuary state. It is neither the state's, nor the legislature's, place to decide whether to comply with federal law and regulations. Local law enforcement should fully cooperate with federal law enforcement—a principle I have consistently upheld throughout three federal administrations led by presidents from both political parties. Flawed legislation such as this sets a dangerous precedent regarding the state's commitment to upholding the law and ensuring the safety of our citizens.

House Bill 16 reflects the hasty nature under which it passed without proper debate and discussion, and is nothing more than a solution in search of a problem. Maryland has zero private prison facilities in the state, and the state has absolutely no intention of initiating any plans to allow these facilities. However, this bill explicitly invites private prisons by enabling a private prison facility to build or acquire a new facility for the purposes of immigration detention, so long as appropriate community input is received. The legislation also requires the termination of all immigration detention agreements with local jurisdictions. Once again, the state's correctional and detention facilities do not engage in these agreements. Currently, only three out of Maryland's 24 jurisdictions utilize these agreements, and one is already set to expire. Our local and regional correctional facilities should retain local control and have the discretion to determine if and how to engage in local agreements with federal immigration agencies. By banning these local agreements, it creates an unfortunate and likely scenario where immigrants who are detained will be sent to other facilities, presumably out of state, separating them from their families and making it harder to stay connected to their community.

Most troubling is the portion of the bill that would limit which questions law enforcement officials are allowed to ask during routine encounters. While law enforcement officials do not inquire about immigration status, citizenship status, or place of birth during a stop or search, they may have reason to do so during an arrest. We need to ensure that our law enforcement officers have every tool at their disposal in order to keep our citizens safe and protect them from felons, terrorists, repeat violent offenders, domestic abusers, and sexual predators, regardless of immigration status.

House Bill 23 would impede important criminal law enforcement investigations by requiring the denial of inspection of certain parts of public records by a federal agency unless they have a valid state or federal warrant. Limiting access to any database operated by state, local, and private vendors to law enforcement agencies removes the ability of our state's criminal justice professionals from being able to perform essential job functions that keep our communities safe.

As governor, I believe in creating an inclusive and diverse Maryland, which is why our administration has consistently welcomed refugees who the federal government has determined are properly and legally seeking refugee status and have been adequately vetted. By promoting diversity and inclusion for all while upholding our commitment to public safety, Maryland's approach is consistent with both our laws and our values.

For these reasons, I have vetoed House Bill 16 and House Bill 23.

Sincerely,

Lawrence J. Hogan, Jr.
Governor