



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 11, 2020

BILL NUMBER: House Bill 388 **POSITION:** Oppose

BILL TITLE: Criminal Procedure – Civil Immigration Enforcement –
Restrictions

REVIEW AND ANALYSIS:

This legislation seeks to prohibit a police officer from inquiring about the immigration status, citizenship status, or place of birth during a stop, search or arrest conducted in the normal performance of regular police functions.

Upon a criminal arrest, a law enforcement officer is required to ask for identifying information including place of birth and country of citizenship. For example, the F.B.I. requires place of birth and country of citizenship to be identified when fingerprint cards are submitted. This is important for determining the true identity of the individual being processed.

On a traffic stop where any individual does not have identification, the officer is required to ask for name, date of birth, and state of licensure to try and obtain driver's license information. Citizenship or immigration status is never a concern for a routine traffic stop. But if the person is arrested other rights are to be available to the arrestee.

Additionally, diplomats have rights guaranteed to them through international agreements. The failure of law enforcement to honor those international agreements on the treatment of foreign diplomats could have adverse conditions placed on American diplomats serving in foreign countries.

More importantly, every citizen of a foreign country has the right for the consulate of his natural citizenship to be notified if they are detained by law enforcement. However, if law enforcement is not permitted to ask questions regarding the individual's country of citizenship and the person does not know they have legal backing from their home country, the consul cannot provide the person with the assistance they may be afforded.

The Maryland Department of State Police does not enforce immigration laws. However, there are any number of reasons why a police officer may ask for information about the person such as their name and date of birth. To further assist in identifying a person an officer may ask about a place of birth. This is all designed to help further identify the correct person for a license or other valid public safety reason.

For these reasons, the Maryland Department of State Police urges the Committee to give House Bill 388 an unfavorable report.