

BRIAN E. FROSH
Attorney General



ELIZABETH HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

FACSIMILE NO.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.
410-576-6584

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TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer, Chief, Legislative Affairs
Office of the Attorney General

RE: HB 403 – Immigration Enforcement – Public Schools, Hospitals, and Courthouses
– Policies (**SUPPORT**)

The Office of the Attorney General asks this Committee to issue a favorable report on House Bill 403.

Consistent with growing efforts taken by Attorney Generals throughout the United States to limit the locations where immigration enforcement is acceptable, House Bill 403 requires the Attorney General of Maryland, in consultation with appropriate stakeholders, to develop guidelines to assist public schools, hospitals, and courthouses to draft policies that limit civil immigration enforcement activities on their premises. The purpose behind House Bill 403 is to ensure that these facilities remain safe and accessible to all, regardless of immigration status. Once the Attorney General develops these guidelines, public schools, hospitals and courthouses may develop their own policies that limit immigration enforcement on their premises to the fullest extent possible with federal and state law.

House Bill 403 codifies a 2011 Department of Homeland Security memorandum which states that Immigrations and Customs Enforcement (ICE) is directed not to engage in enforcement actions at “sensitive locations,” including schools and hospitals.¹ Although the policy contained in the 2011 memorandum still continues to govern ICE operations, the current Administration’s enforcement efforts suggest that this sensitive locations policy may be rescinded with little notice at any point in the future.

¹ United States Dep’t of Homeland Security, Immigrations and Customs Enforcement, *Enforcement Actions at or Focused on Sensitive Locations* (Oct. 24, 2011), <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.



The American Civil Liberties Union released a report that shows fear of deportation is stopping many immigrants from reporting crimes and participating in court proceedings.² Police officers, judges, and prosecutors have all stated that immigration enforcement efforts at court has had a chilling effect on criminal efforts, often making cases such as domestic violence, human trafficking and sexual assault more difficult to solve.³ In addition, the Center for Law and Social Policy's (CLASP) research confirms that immigrant families are dramatically altering their daily lives and avoiding taking their children to child care, school, and the doctor's office for fear of coming in contact with immigrant agents.⁴ This bill would positively affect law enforcement, and at least give immigrants peace of mind when taking their children to school, participating in court procedures, and going to the hospital.

As a response to the Administration's immigration enforcement, several state's Attorney Generals have issued guidance or addressed the "Sensitive Location" policy, including California, Washington, Illinois, New Jersey, and New York. Maryland should be next. It is not safe to assume that Homeland Security will maintain its sensitive locations policy, the Attorney General believes that it is in the best practice to have the General Assembly pass House Bill 403, so as to protect and codify, as a matter of state law, the sensitive locations guidance, and develop a state-wide policy to reflect this stance.

The Attorney General urges this Committee to favorably report House Bill 403.

cc: Judiciary Committee Members

² American Civil Liberties Union, *New ACLU Report Shows Fear of Deportation is Deterring Immigrants from Reporting Crimes* (May 3, 2018), <https://www.aclusandiego.org/freezing-out-justice/>.

³ American Civil Liberties Union, *Freezing Out Justice: How immigration arrests at the courthouse are undermining the justice system*, https://www.aclu.org/sites/default/files/field_document/rep18-icecourthouse-combined-rel01.pdf.

⁴ The Center for Law and Social Policy, *The Department of Homeland Security's "Sensitive Locations" Policy*, https://www.clasp.org/sites/default/files/publications/2018/06/2018_sensitivelocationsdetailed.pdf.