



House Bill 1362

Maryland Law Enforcement and Governmental Trust Act

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: February 28, 2017

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** HB 1362. MACo is concerned the bill imposes stringent limitations on local government autonomy that have far-reaching and significant consequences.

HB 1362 sets explicit parameters limiting state and local agencies and officials from cooperating with federal immigration efforts. Local governments and their staff are broadly prohibited from assisting federal agents, releasing information, and responding to notifications so long as these actions are taken for immigration enforcement purposes.

While the intent may be to protect vulnerable Marylanders, the bill creates logistical and public safety challenges that could instead lead to harm. The bill would preempt local law enforcement from intervening if a federal enforcement action becomes violent – even if the intervention is in the interest of maintaining public safety. Their hands would also be significantly tied from providing information or responding to notifications regarding convicted criminals.

The bill also conflicts with current Maryland Public Information Act (PIA) and other information-sharing policies. The PIA prohibits custodians of records from requiring someone to specify a reason for why they are seeking information. The custodian would not be able to know whether the information is being sought for immigration enforcement purposes. The language of the bill is broad enough that it would also prohibit local governments from participating in the federal census or affirmative action programs as they include the registration or tracking of individuals based upon race, gender, sexual orientation, religion, immigration status, or national origin.

Local governments recognize the difficult decisions the State faces regarding immigration-related proposals, however, counties caution against passing legislation that may result in more harm than benefit for Maryland residents. For these reasons, MACo urges an **UNFAVORABLE** report on HB 1362.