

**Testimony for the House Environment and Transportation Committee**

**March 22, 2018**

**HB 1626**

**FAVORABLE**

The ACLU of Maryland supports HB 1626, which would require that the Department of Homeland Security Immigration and Customs Enforcement (“ICE”) obtain a valid warrant from a federal or Maryland State court before receiving personal information about an individual in the database maintained by the Motor Vehicle Association (“MVA”).

Unlike other federal law enforcement agencies, ICE is primarily tasked with enforcing the United States’ immigration laws, which is a *civil* matter, not a criminal matter. *See Arizona v. United States*, 567 U.S. 387 (2012). Yet the consequences of being detained and deported from the United States are extremely severe: separating families by deporting the parents of young children and returning people to their country of origin even if those individuals may be at risk of violence upon return.[[1]](#footnote-1) ICE often will use any means necessary to gain access to an individual they want to deport, including ruses where they pose as police officers, or even social workers, to gain access to a home in cases where they have no judicially signed warrant to legally enter.[[2]](#footnote-2) ICE uses forms that are called “detainers,” forms generated by the ICE office that are signed by ICE officers, as a ploy to trick people into thinking they have the legal authority to enter a home like they would if they obtained a real warrant. ICE consistently abuses immigrants and violates the constitutional rights of people they hope to deport,[[3]](#footnote-3) including hundreds of thousands of Maryland residents.

The Maryland Public Information Act is generally the legal mechanism for which government agencies are required to obtain records from another.[[4]](#footnote-4)

When ICE is given access to state databases, they obtain personal information about Maryland residents and use that information to kidnap and degrade immigrants through abusive tactics that violate the constitutional rights of Maryland residents. Requiring ICE to obtain a warrant issued by a federal or Maryland state court before accessing personal information through the MVA database is a check on ICE’s unrestrained misconduct and is sound policy given these abuses.

Add MPIA inter agency sharing Shropshire case.

Add FERPA and HIPPA laws that require more than just direct access.

For these reasons, we urge you to issue a favorable recommendation for HB 1626.

1. Dozens of individuals have been killed upon return to their country of origin. *See* https://www.newyorker.com/magazine/2018/01/15/when-deportation-is-a-death-sentence. [↑](#footnote-ref-1)
2. https://www.npr.org/2017/02/21/516488396/without-warrants-immigration-agents-often-pose-as-police-officers; [↑](#footnote-ref-2)
3. https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses [↑](#footnote-ref-3)
4. Maryland Public Information Act Manual 2-4, <http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf>. *See also, Montgomery County v. Shropshire*, 420 Md. 362, (2011). [↑](#footnote-ref-4)