

# TRUST Act

BILLS  
HB 304 & SB 88

**ACLU**  
Maryland



## Defend the Rights of Immigrants in Our Communities

Our immigrant communities are increasingly threatened by unjust and misguided federal immigration policies. Maryland can and should take steps to protect our communities from this draconian effort and ensure that Maryland's law enforcement resources are used in furtherance of Maryland's interests, not those of the federal government.



Protect our communities by clarifying the parameters of state and local participation in federal civil immigration enforcement efforts.

Specifically, we aim to prevent law enforcement from:

- Inquiring about a person's immigration status, citizenship status, or place of birth during routine police functions;
- Transferring persons to ICE without a judicial warrant;
- Detaining persons for the purpose of immigration enforcement, without a judicial warrant;
- Notifying ICE about immigrants' whereabouts; and
- Using local law enforcement resources for immigration enforcement.



# Reasons to Support the TRUST Act

## The bill will help restore community trust and enhance public safety.

- Counties that do not comply with ICE detainer requests have lower crime rates and stronger economies than counties that do.<sup>[1]</sup>
- A recent study in San Diego showed that sanctuary policies actually can encourage people to report crime, thereby making communities safer.<sup>[2]</sup>

## Maryland's taxpayer dollars and resources should not be used in service of the federal government's deportation machine.

Our communities have public safety needs. Our resources and law enforcement personnel should be spent supporting these needs, not enforcing draconian federal immigration policies.

## Maryland has no obligation to assist in immigration enforcement.

Local jurisdictions have no legal obligation to assist with civil immigration enforcement, which is the responsibility of the federal government. A local decision to offer resources to federal immigration enforcement authorities is completely voluntary.

**SUPPORT IMMIGRANT COMMUNITIES**



## Nothing in the legislation prevents the federal government from enforcing immigration laws.

The bill does not alter the legal justice system from running its normal course, nor does it prevent ICE from carrying out its functions with federal resources.

## The Fourth Amendment prohibits detaining someone solely for a civil immigration violation.

The Supreme Court and the Fourth Circuit have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. See *Arizona v. US*, 132 S. Ct. 2492, 2506 (2012); *Santos v. Frederick County*, 725 F.2d 451 (4th Cir. 2013).

## By drawing a bright line between Maryland law enforcement officials and federal immigration enforcement agents, the bill would declare that Maryland will not contribute to the targeting of immigrants.

[1] <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-theeconomy/>

[2] [https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/24/sanctuary-cities-dont-breed-crime-they-encourage-people-to-report-crime/?utm\\_term=.4a316bb01c9e](https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/24/sanctuary-cities-dont-breed-crime-they-encourage-people-to-report-crime/?utm_term=.4a316bb01c9e)