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POSITION ON PROPOSED LEGISLATION

BILL: Expedited Bill 35-25: Promoting Community Trust – Immigrant Protections Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: January 13, 2026

President Fani-González and members of the County Council,

My name is Sean Link, and I am an attorney with the Maryland Office of the Public Defender's Immigration Division. We respectfully request that the Council pass Bill 35-25.

Public safety is founded on public trust.

As a public defender, my role involves ensuring the criminal justice system functions fairly – that no one's rights are trampled to achieve quick or convenient results. I would like to highlight two ways that this bill will help protect the community: first, by protecting the due process rights of all community members, and second, by ensuring that everyone in the community can safely access vital public services.

First, this bill protects the due process rights of everyone in Montgomery County – including the core value that someone is innocent until proven guilty. The existing policy has eroded due process for noncitizens who have been arrested. Even if a noncitizen is deemed not to be a threat to public safety by a judge or Commissioner, they can be reported to ICE by County jail officials. This is true even if a judge orders the person released while they await their day in court. This report to ICE can disrupt the criminal case process and drop someone directly into the deportation pipeline. Once in ICE detention, these individuals are physically unable to get their day in court, stripped of their presumption of innocence, and unlikely to hear the evidence against them, let alone defend their innocence to a judge or jury. These individuals get struck in a vicious cycle: the pending case will be cited as a reason to deny any bond out of immigration detention, the failure to appear in criminal court due to federal detention may result in a bench warrant, and the unproven allegations will likely be presumed true by immigration authorities as they determine the person's fate. It's a domino line

of due process violations that can easily turn a false accusation into a permanent deportation. For many, placement into this deportation pipeline is a punishment far worse than a fine, probation, or even a jail sentence.

As a correction, this bill will place reasonable limits on information that local officials can share with ICE after an arrest and *prior* to any conviction – protections at the heart of due process, fairness, and the presumption of innocence. This change will have a profound impact on a narrow category of people. Specifically, people released to await their trials; people whose case was dismissed or placed on the stet docket; or people who serve short local sentences, all of whom are generally charged with low-level offenses. This law will not touch the rules related to anyone convicted of a serious crime and sentenced to prison.

Turning to my second point: the Council must pass this bill to set clear boundaries between ICE and local criminal law enforcement. The current system fosters fear and distrust by blurring the systems, and fracturing the relationship between law enforcement, courts, and the community. The community is afraid. County residents see people arrested by MCPD, and the next thing they know is that the arrested person is in ICE custody. Whether the local jail or local police facilitated this immigration detention is not obvious to the public, and it provides cold comfort. Fear and confusion about the risk of immigration detention already make Montgomery County residents reluctant to engage with police and the court system – not only to attend criminal court dates, but to handle traffic citations, participate in pretrial supervision or proactive treatment services, to fight for child custody, or to arrange guardianship for disabled family members. Even witnesses to a crime are afraid to speak with police, prosecutors, or defense investigators. This not only leaves noncitizens vulnerable to abuses of all kinds; it also makes it less likely for the courts to do justice effectively.

Montgomery County residents must be able to rely on a justice system that seeks truth via due process and is clear in its scope. This bill protects those concerns by limiting the sensitive, personal information that local officials can share with ICE, and by restoring confidence that local officials are focused on local priorities.

For these reasons, the Maryland Office of the Public Defender urges the County Council to pass Bill 35-25, the Promoting Community Trust – Immigrant Protections Act

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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