

HOUSE BILL 495

E2

6lr1842

By: **Delegate Rosenberg**

Introduced and read first time: January 27, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Immigration Arrest – Immunity in Connection With Court**
3 **Proceeding**

4 FOR the purpose of providing that a certain individual is immune from a certain
5 immigration arrest in connection with attendance at a court proceeding under
6 certain circumstances; prohibiting a person from making an arrest in violation of
7 this Act; and generally relating to immunity from arrest for civil immigration
8 violations.

9 BY adding to
10 Article – Criminal Procedure
11 Section 2–104.3
12 Annotated Code of Maryland
13 (2025 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 **2–104.3.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) “CIVIL IMMIGRATION VIOLATION” MEANS A VIOLATION OF
21 FEDERAL CIVIL IMMIGRATION LAW.

22 (3) “FAMILY MEMBER” MEANS A RELATIVE BY BLOOD, ADOPTION, OR
23 MARRIAGE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(4) "HOUSEHOLD MEMBER" MEANS A PERSON WHO LIVES WITH ANOTHER OR IS A REGULAR PRESENCE IN THE HOME OF ANOTHER.

(5) "IMMIGRATION ARREST" MEANS TAKING AN INDIVIDUAL INTO CUSTODY SOLELY OR PRIMARILY BASED ON THE SUSPICION THAT THE INDIVIDUAL HAS COMMITTED A CIVIL IMMIGRATION VIOLATION.

(B) AN INDIVIDUAL DULY AND IN GOOD FAITH ATTENDING A COURT PROCEEDING IN WHICH THE INDIVIDUAL IS A PARTY OR POTENTIAL WITNESS, OR A FAMILY MEMBER OR HOUSEHOLD MEMBER OF A PARTY OR POTENTIAL WITNESS, IS IMMUNE FROM IMMIGRATION ARREST WHILE GOING TO, REMAINING AT, OR RETURNING FROM THE LOCATION OF THE COURT PROCEEDING UNLESS THE IMMIGRATION ARREST IS AUTHORIZED BY A VALID JUDICIAL WARRANT.

(C) (1) A PERSON MAY NOT MAKE AN IMMIGRATION ARREST IN VIOLATION OF SUBSECTION (B) OF THIS SECTION.

(2) A PERSON MAY NOT MAKE AN IMMIGRATION ARREST IN VIOLATION OF SUBSECTION (B) OF THIS SECTION THAT RESULTS IN SERIOUS BODILY INJURY.

(D) (1) A PERSON WHO VIOLATES SUBSECTION (C)(1) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(E) (1) AN INDIVIDUAL WHO HAS BEEN OR HAS REASONABLE GROUNDS TO BELIEVE THAT THE INDIVIDUAL WILL BE SUBJECT TO AN IMMIGRATION ARREST IN VIOLATION OF THIS SECTION MAY BRING AN ACTION FOR:

(I) DECLARATORY RELIEF;

(II) INJUNCTIVE RELIEF; AND

(III) REASONABLE ATTORNEY'S FEES AND COURT COSTS.

(2) THE ATTORNEY GENERAL MAY BRING AN ACTION ON BEHALF OF THE STATE OR AS PARENS PATRIAE ON BEHALF OF PERSONS RESIDING IN THE STATE WHO HAVE BEEN OR WHO THE ATTORNEY GENERAL HAS REASONABLE

1 **GROUND TO BELIEVE MAY BE SUBJECT TO IMMIGRATION ARREST IN VIOLATION OF**
2 **THIS SECTION FOR:**

3 **(I) DECLARATORY RELIEF;**

4 **(II) INJUNCTIVE RELIEF; AND**

5 **(III) REASONABLE ATTORNEY’S FEES AND COSTS.**

6 **(F) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A LAW**
7 **ENFORCEMENT OFFICER OR AGENT OR EMPLOYEE OF A COURT FROM ACTING IN**
8 **GOOD FAITH TO MAINTAIN PUBLIC SAFETY IN A COURTHOUSE.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2026.