

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.



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

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

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

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

26 (I) DECLARATORY RELIEF:

(II) INJUNCTIVE RELIEF: AND

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

1 GROUNDS 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.