

HOUSE BILL 719

E4, P3, L6

6lr1243

By: **Delegates Arikan, Baker, Chisholm, Fisher, Grammer, Hinebaugh, Kipke, M. Morgan, Nawrocki, Reilly, Szeliga, Valentine, and Wivell**

Introduced and read first time: February 2, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Immigration Enforcement – Prohibition Against Sanctuary**
3 **Policies**

4 FOR the purpose of prohibiting the State, a unit of local government, a county sheriff, or
5 an agency, officer, employee, or agent of the State or a unit of local government from
6 adopting or having in effect a certain sanctuary policy; repealing certain provisions
7 of law that are inconsistent with this Act; and generally relating to immigration
8 enforcement.

9 BY repealing

10 Article – Criminal Procedure
11 Section 2–104.2 and 5–104
12 Annotated Code of Maryland
13 (2025 Replacement Volume)

14 BY repealing

15 Article – General Provisions
16 Section 4–320.1
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2025 Supplement)

19 BY adding to

20 Article – Public Safety
21 Section 1–701 and 1–702 to be under the new subtitle “Subtitle 7. Immigration
22 Enforcement”
23 Annotated Code of Maryland
24 (2022 Replacement Volume and 2025 Supplement)

25 BY repealing

26 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 3–529
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

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

Article – Criminal Procedure

[2–104.2.

(a) In this section, “sensitive location” has the meaning stated in § 6–111 of the
State Government Article.

(b) (1) This subsection does not apply to a State or local correctional facility or
a detention facility in a District Court or circuit court house.

(2) A public school, a public library, or a unit of the Executive Branch of
State or local government that operates at a sensitive location shall deny access to any
portion of the sensitive location that is not accessible to the general public to any individual
who is seeking access for the purpose of enforcing federal immigration law, unless:

(i) the individual presents a valid warrant issued by a federal court;
or

(ii) exigent circumstances exist.]

[5–104.

(a) (1) In this section the following words have the meanings indicated.

(2) “Civil immigration violation” means a violation of federal civil
immigration law.

(3) “Family member” means a relative by blood, adoption, or marriage.

(4) “Household member” means a person who lives with another or is a
regular presence in the home of another.

(5) (i) “Law enforcement agent” means an individual who is certified by
the Maryland Police Training and Standards Commission under § 3–209 of the Public
Safety Article.

(ii) “Law enforcement agent” does not include an agent or employee
of a State correctional facility or a local correctional facility.

1 (6) “Local correctional facility” has the meaning stated in § 1–101 of the
2 Correctional Services Article.

3 (7) “State correctional facility” has the meaning stated in § 1–101 of the
4 Correctional Services Article.

5 (b) (1) In this subsection, “arrest” does not include a routine booking
6 procedure.

7 (2) Except as provided in paragraphs (3) and (4) of this subsection, a law
8 enforcement agent may not, during the performance of regular police functions:

9 (i) inquire about an individual’s citizenship, immigration status, or
10 place of birth during a stop, a search, or an arrest;

11 (ii) detain, or prolong the detention of, an individual:

12 1. for the purpose of investigating the individual’s
13 citizenship or immigration status; or

14 2. based on the suspicion that the individual has committed
15 a civil immigration violation;

16 (iii) transfer an individual to federal immigration authorities unless
17 required by federal law; or

18 (iv) coerce, intimidate, or threaten any individual based on the actual
19 or perceived citizenship or immigration status of the individual or:

20 1. the individual’s family member;

21 2. the individual’s household member;

22 3. the individual’s legal guardian; or

23 4. another individual for whom the individual is a legal
24 guardian.

25 (3) Nothing in this subsection shall prevent a law enforcement agent from
26 inquiring about any information that is material to a criminal investigation.

27 (4) If the citizenship or immigration status of an individual is relevant to a
28 protection accorded to the individual under State or federal law, or subject to a requirement
29 imposed by international treaty, a law enforcement agent may:

30 (i) notify the individual of the protection or requirement; and

(ii) provide the individual an opportunity to voluntarily disclose the individual's citizenship or immigration status for the purpose of receiving the protection or complying with the requirement.]

Article – General Provisions

[4–320.1.

(a) In this section, “facial recognition” means a biometric software application that identifies or verifies a person by comparing and analyzing patterns based on a person's facial contours.

(b) (1) Notwithstanding any other provision of this title, an officer, an employee, an agent, or a contractor of the State or a political subdivision shall deny inspection of the part of a public record that contains personal information or inspection of a photograph of an individual by any federal agency seeking access for the purpose of enforcing federal immigration law, unless the officer, employee, agent, or contractor is provided with a valid warrant issued by a federal court or a court of this State.

(2) Notwithstanding any other provision of this title, an officer, an employee, an agent, or a contractor of the State or a political subdivision shall deny inspection using a facial recognition search of a digital photographic image or actual stored data of a digital photographic image by any federal agency seeking access for the purpose of enforcing federal immigration law, unless the officer, employee, agent, or contractor is provided with a valid warrant issued by a federal court or a court of this State.

(3) On or before June 1, 2023, and each June 1 thereafter, the Motor Vehicle Administration, the Department of State Police, and the Department of Public Safety and Correctional Services shall, with respect to requests from federal agencies seeking access for the purpose of federal immigration enforcement for personal information, a photograph of an individual, or a facial recognition search, whether or not the request was initiated through a State or local law enforcement agency, report to the General Assembly, in accordance with § 2–1257 of the State Government Article, the following information for the immediately preceding calendar year:

(i) the number of requests received from any federal agency for personal information, a photograph of an individual, or a facial recognition search;

(ii) the number of requests received from any federal agency for personal information, a photograph of an individual, or a facial recognition search for which a valid warrant issued by a federal court or a court of this State was provided;

(iii) the number and purpose of facial recognition searches completed for any federal agency based on personal information or a photograph of an individual provided to the federal agency by the Motor Vehicle Administration, the Department of State Police, or the Department of Public Safety and Correctional Services; and

(iv) the number of individuals whose personal information or photograph was provided to any federal agency by, respectively, the Motor Vehicle Administration, the Department of State Police, and the Department of Public Safety and Correctional Services.]

Article – Public Safety

SUBTITLE 7. IMMIGRATION ENFORCEMENT.

1–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “IMMIGRATION DETAINER” MEANS A FACIALLY SUFFICIENT WRITTEN OR ELECTRONIC REQUEST ISSUED BY A FEDERAL IMMIGRATION AGENCY USING THAT AGENCY’S OFFICIAL FORM TO REQUEST THAT ANOTHER AGENCY DETAIN AN INDIVIDUAL BASED ON PROBABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL TO BE DETAINED IS A REMOVABLE ALIEN UNDER FEDERAL IMMIGRATION LAW.

(C) “SANCTUARY POLICY” MEANS A LAW, POLICY, PRACTICE, PROCEDURE, OR CUSTOM ADOPTED OR ALLOWED BY A STATE OR LOCAL GOVERNMENTAL ENTITY THAT PROHIBITS OR IMPEDES ANY STATE OR LOCAL GOVERNMENTAL ENTITY FROM:

(1) COMMUNICATING WITH A FEDERAL IMMIGRATION AGENCY;

(2) COOPERATING WITH A FEDERAL IMMIGRATION AGENCY;

(3) COMPLYING WITH AN IMMIGRATION DETAINER;

(4) COMPLYING WITH A REQUEST FROM A FEDERAL IMMIGRATION AGENCY TO NOTIFY THE FEDERAL IMMIGRATION AGENCY BEFORE THE RELEASE OF AN INDIVIDUAL IN THE CUSTODY OF THE STATE OR LOCAL GOVERNMENTAL ENTITY;

(5) PROVIDING A FEDERAL IMMIGRATION AGENCY ACCESS TO AN INCARCERATED INDIVIDUAL FOR AN INTERVIEW;

(6) PARTICIPATING IN ANY PROGRAM OR AGREEMENT AUTHORIZED UNDER 8 U.S.C. § 1357;

(7) PROVIDING A FEDERAL IMMIGRATION AGENCY WITH THE INCARCERATION STATUS OR RELEASE DATE OF AN INCARCERATED INDIVIDUAL;

**(8) PROVIDING INFORMATION TO ANOTHER GOVERNMENTAL ENTITY
ON THE IMMIGRATION STATUS OF AN INDIVIDUAL IN THE CUSTODY OF THE STATE
OR LOCAL GOVERNMENTAL ENTITY;**

(9) EXECUTING A VALID JUDICIAL WARRANT; OR

**(10) PARTICIPATING IN A FEDERAL IMMIGRATION ENFORCEMENT
OPERATION WITH A FEDERAL IMMIGRATION AUTHORITY AS AUTHORIZED BY STATE
AND FEDERAL LAW.**

1-702.

**THE STATE, A UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR AN
AGENCY, AN OFFICER, AN EMPLOYEE, OR AN AGENT OF THE STATE OR A UNIT OF
LOCAL GOVERNMENT MAY NOT ADOPT OR HAVE IN EFFECT A SANCTUARY POLICY.**

[3-529.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Database” means any database operated by State and local law
enforcement agencies, including databases maintained for a law enforcement agency by a
private vendor.

(ii) “Database” does not include a registry operated under Title 11,
Subtitle 7 of the Criminal Procedure Article.

(3) (i) “Law enforcement agency” means a federal, state, or local agency
authorized to enforce criminal laws.

(ii) “Law enforcement agency” includes the Maryland Department of
Public Safety and Correctional Services.

(b) An entity operating a database shall:

(1) deny access to the database to any individual who is seeking access for
the purpose of enforcing federal immigration law, unless the individual presents a valid
warrant issued by a federal court or a court of this State; and

(2) require an individual accessing the database to provide to the entity:

(i) the individual’s name;

(ii) the individual’s contact information, including a telephone
number, an e-mail address, and a physical address; and

1 (iii) unless the individual presents a valid warrant issued by a federal
2 court or a court of this State, a statement by the individual, under penalty of perjury, that
3 the individual is not accessing the database for the purpose of enforcing federal
4 immigration law.]

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