

HOUSE BILL 1017

E5

EMERGENCY BILL

6lr3609

By: **Delegate Wells**

Introduced and read first time: February 6, 2026

Assigned to: Government, Labor, and Elections

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Private Immigration Detention Facilities – Zoning**
3 **Requirement**

4 FOR the purpose of prohibiting the State or a unit of local government from approving the
5 use of a building or structure as an immigration detention facility by a private entity
6 unless certain zoning authority applies; establishing a certain penalty for a certain
7 violation; authorizing the Attorney General to bring a civil action to enforce this Act;
8 applying this Act retroactively; and generally relating to immigration detention
9 facilities.

10 BY repealing and reenacting, without amendments,
11 Article – Correctional Services
12 Section 1–101(a) and (j)
13 Annotated Code of Maryland
14 (2025 Replacement Volume)

15 BY adding to
16 Article – Correctional Services
17 Section 1–103
18 Annotated Code of Maryland
19 (2025 Replacement Volume)

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

22 **Article – Correctional Services**

23 1–101.

24 (a) In this article the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (j) "Immigration detention facility" means any building, facility, or structure
2 used, in whole or in part, to house or detain individuals for federal civil immigration
3 violations.

4 **1-103.**

5 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE
6 OR A UNIT OF LOCAL GOVERNMENT MAY NOT APPROVE THE USE OF A BUILDING OR
7 STRUCTURE AS AN IMMIGRATION DETENTION FACILITY BY A PRIVATE ENTITY
8 UNLESS IMMIGRATION DETENTION FACILITY IS EXPRESSLY INCLUDED IN THE
9 APPLICABLE ZONING AUTHORITY.

10 (2) A GENERAL ZONING CLASSIFICATION AUTHORIZING
11 GOVERNMENT, PUBLIC, OR INSTITUTIONAL USES DOES NOT CONSTITUTE EXPRESS
12 AUTHORIZATION FOR A BUILDING OR STRUCTURE TO BE USED AS AN IMMIGRATION
13 DETENTION FACILITY BY A PRIVATE ENTITY.

14 (B) A PRIVATE ENTITY MAY NOT OPERATE OR OCCUPY A BUILDING OR
15 STRUCTURE AS AN IMMIGRATION DETENTION FACILITY WITHOUT A USE AND
16 OCCUPANCY AUTHORIZATION OR CHANGE IN USE AND OCCUPANCY APPROVAL
17 CONSISTENT WITH THIS SECTION.

18 (C) FOR PURPOSES OF THIS SECTION, A BUILDING OR STRUCTURE SHALL
19 BE CONSIDERED PROPOSED FOR USE AS AN IMMIGRATION DETENTION FACILITY,
20 REGARDLESS OF HOW THE USE IS DESCRIBED IN AN APPLICATION OR PERMIT
21 REQUEST, IF:

22 (1) INDIVIDUALS ARE INTENDED TO BE HELD IN INVOLUNTARY
23 CUSTODY AND WILL NOT BE FREE TO LEAVE; OR

24 (2) THE DESIGN, CONSTRUCTION, OR IMPROVEMENTS INCLUDE
25 FEATURES CONSISTENT WITH SECURE OR INVOLUNTARY CONFINEMENT,
26 INCLUDING:

27 (I) PERIMETER SECURITY MEASURES DESIGNED TO PREVENT
28 OCCUPANTS FROM LEAVING;

29 (II) CONTROLLED ACCESS POINTS; OR

30 (III) LOCKED HOLDING AREAS.

31 (D) (1) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO
32 ENFORCE THIS SECTION.

1 **(2) THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR**
2 **PERMANENT INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A**
3 **VIOLATION OF THIS SECTION.**

4 **(E) A PRIVATE ENTITY THAT OPERATES OR ATTEMPTS TO OPERATE AN**
5 **IMMIGRATION DETENTION FACILITY IN VIOLATION OF THIS SECTION IS SUBJECT TO**
6 **A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH DAY THE VIOLATION**
7 **CONTINUES.**

8 **(F) THE REMEDIES PROVIDED UNDER THIS SECTION ARE IN ADDITION TO**
9 **ANY OTHER REMEDY AVAILABLE UNDER STATE OR LOCAL LAW.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applied
11 retroactively to any agreement between the State or a unit of local government and a
12 private entity entered into before the effective date of this Act for the use of any building
13 or structure if that building or structure is intended to be used as an immigration detention
14 facility, regardless of any permits issued or investment made by the private entity toward
15 construction or renovation of the building or structure.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health or safety, has
18 been passed by a yea and nay vote supported by three-fifths of all the members elected to
19 each of the two Houses of the General Assembly, and shall take effect from the date it is
20 enacted.