

# HOUSE BILL 1018

E5

EMERGENCY BILL

6lr1752  
CF SB 985

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By: ~~Delegate Stewart~~ Delegates Stewart, Crutchfield, Fair, Lehman, Ruth, Schindler, Solomon, Terrasa, and Wu

Introduced and read first time: February 6, 2026

Assigned to: Government, Labor, and Elections

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 19, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – Correctional Facilities and Immigration Detention**  
3 **Facilities – Minimum Mandatory Standards**

4 FOR the purpose of requiring the Secretary of Public Safety and Correctional Services to  
5 adopt regulations establishing certain minimum mandatory standards governing the  
6 care, custody, and conditions of civil detainees in immigration detention facilities;  
7 altering certain duties of and prohibitions on the actions of the Maryland  
8 Commission on Correctional Standards relating to correctional facilities and  
9 immigration detention facilities, including reporting requirements, receiving and  
10 reviewing reported violations of minimum mandatory standards, submitting an  
11 annual certification to the Commission related to utilities, occupancy standards, and  
12 emergency preparedness, and inspecting facilities; requiring certain ~~health care~~  
13 ~~practitioners and security guards~~ persons to report certain violations and security  
14 breaches to the Commission or the Office of the Inspector General; requiring a  
15 regulating body to take appropriate disciplinary action if ~~a health care practitioner~~  
16 ~~or a security guard fails~~ certain persons fail to report a certain violation; applying  
17 certain compliance, audit, and enforcement provisions to immigration detention  
18 facilities; authorizing the Attorney General to bring a certain action against a private  
19 entity that owns, manages, or operates a correctional facility or an immigration  
20 detention facility for certain violations; ~~authorizing~~ requiring the Commission to  
21 cease operation of a correctional facility or an immigration detention facility that is  
22 life-threatening or health-endangering; requiring a certain State, local governing  
23 body, or federal entity to pay the expense incurred by transferring certain  
24 individuals from a closed facility; authorizing the Commission to establish an

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 advisory board on immigration detention facilities; and generally relating to State  
2 oversight of correctional facilities and immigration detention facilities.

3 BY repealing and reenacting, without amendments,  
4 Article – Correctional Services  
5 Section 1–101(a), (d), (j) through (l), and (q) and 8–106  
6 Annotated Code of Maryland  
7 (2025 Replacement Volume)

8 BY repealing and reenacting, with amendments,  
9 Article – Correctional Services  
10 Section 8–101 through 8–103, 8–105, 8–110, and 8–112 through 8–116  
11 Annotated Code of Maryland  
12 (2025 Replacement Volume)

13 BY adding to  
14 Article – Correctional Services  
15 Section 8–111.1, 8–111.2, and 8–114.1  
16 Annotated Code of Maryland  
17 (2025 Replacement Volume)

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

20 **Article – Correctional Services**

21 1–101.

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

23 (d) “Correctional facility” means a facility that is operated for the purpose of  
24 detaining or confining adults who are charged with or found guilty of a crime.

25 (j) “Immigration detention facility” means any building, facility, or structure  
26 used, in whole or in part, to house or detain individuals for federal civil immigration  
27 violations.

28 (k) “Incarcerated individual” means an individual who is actually or  
29 constructively detained or confined in a correctional facility.

30 (l) “Local correctional facility” means a correctional facility that is operated:

31 (1) by one or more counties; or

32 (2) by a municipal corporation.

1 (q) (1) “State correctional facility” means a correctional facility that is  
2 operated by the State.

3 (2) “State correctional facility” includes:

4 (i) the Patuxent Institution;

5 (ii) the Baltimore City Detention Center; and

6 (iii) the centralized booking facility in Baltimore City that is operated  
7 by the Division of Pretrial Detention and Services in the Department of Public Safety and  
8 Correctional Services.

9 8–101.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) “Approved standards” means the standards described in § 8–103(b) of this  
12 subtitle.

13 (C) **“BREACH OF THE SECURITY OF A SYSTEM” MEANS THE UNAUTHORIZED**  
14 **ACQUISITION OF COMPUTERIZED DATA THAT COMPROMISES THE SECURITY,**  
15 **CONFIDENTIALITY, OR INTEGRITY OF PERSONAL IDENTIFYING INFORMATION**  
16 **MAINTAINED IN THE SYSTEM.**

17 (D) **“CIVIL DETAINEE” MEANS AN INDIVIDUAL WHO IS ACTUALLY OR**  
18 **CONSTRUCTIVELY DETAINED OR CONFINED IN AN IMMIGRATION DETENTION**  
19 **FACILITY.**

20 [(c)] (E) “Commission” means the Maryland Commission on Correctional  
21 Standards.

22 (F) **“LICENSED HEALTH CARE PRACTITIONER” MEANS AN INDIVIDUAL**  
23 **LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A HEALTH**  
24 **OCCUPATION UNDER THE HEALTH OCCUPATIONS ARTICLE.**

25 [(d)] (G) “Minimum mandatory standards” means the standards described in §  
26 8–103(a) of this subtitle.

27 (H) **“PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING STATED IN**  
28 **§ 8–301 OF THE CRIMINAL LAW ARTICLE.**

29 8–102.

30 The General Assembly finds that there is a need to improve the method of:

1           **(1)** establishing standards for correctional facilities, **IMMIGRATION**  
2 **DETENTION FACILITIES**, and programs [and of]; **AND**

3           **(2)** ensuring compliance with these standards to better protect the health,  
4 safety, and welfare of the public by reducing incidents of crime.

5 8–103.

6           (a) (1) With the advice of the Commission, the Secretary shall adopt  
7 regulations that establish minimum mandatory standards applicable to:

8                   **(I)** security and **CONTROL OF** incarcerated [individual control,  
9 incarcerated individual] **INDIVIDUALS AND CIVIL DETAINEES;**

10                   **(II)** safety[, incarcerated individual] **OF INCARCERATED**  
11 **INDIVIDUALS AND CIVIL DETAINEES, INCLUDING LIFE AND FIRE SAFETY;**

12                   **(III)** food services[, incarcerated individual] **FOR INCARCERATED**  
13 **INDIVIDUALS AND CIVIL DETAINEES;**

14                   **(IV)** housing and sanitation[, incarcerated] **FOR INCARCERATED**  
15 **INDIVIDUALS AND CIVIL DETAINEES, INCLUDING MAXIMUM OCCUPANCY**  
16 **RESTRICTIONS;**

17                   **(V)** individual rights[, classification, hearings,] **AND HEARINGS**  
18 **FOR INCARCERATED INDIVIDUALS AND CIVIL DETAINEES;**

19                   **(VI)** **CLASSIFICATION**, victim notification, **AND** restitution, **AS**  
20 **APPLICABLE TO INCARCERATED INDIVIDUALS AND CIVIL DETAINEES;** and

21                   **(VII)** administrative record keeping **FOR INCARCERATED**  
22 **INDIVIDUALS AND CIVIL DETAINEES.**

23           (2) The minimum mandatory standards adopted under paragraph (1) of  
24 this subsection shall apply to all ~~State and local~~ correctional facilities **AND IMMIGRATION**  
25 **DETENTION FACILITIES LOCATED IN THE STATE.**

26           (b) (1) With the advice of the Commission, the Secretary shall adopt  
27 regulations that establish approved standards applicable to personnel, training,  
28 administration, management, planning and coordination, research and evaluation,  
29 physical plant, special management incarcerated individuals, rules and discipline, mail and  
30 visiting, reception and orientation, property control, work programs, educational and  
31 vocational training, library services, religious services, recreational activities, counseling,  
32 release preparation, and volunteers.

1           (2) The approved standards adopted under paragraph (1) of this  
2 subsection:

3                   (i) shall apply to all State correctional facilities; and

4                   (ii) may be adopted, as a whole or in part, by a local correctional  
5 facility.

6           (c) The standards adopted under this section shall be consistent with federal and  
7 State law.

8 8–105.

9           The standards adopted under § 8–103 of this subtitle shall be enforced as provided  
10 under §§ 8–112 through [8–114] **8–114.1** of this subtitle.

11 8–106.

12           There is a Maryland Commission on Correctional Standards in the Department.

13 8–110.

14           (a) **(1)** The Commission shall report annually to the Governor and, subject to  
15 § 2–1257 of the State Government Article, to the General Assembly on the activities of the  
16 Commission.

17                   **(2) THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
18 **SUBSECTION SHALL INCLUDE:**

19                           **(I) A DETAILED ANALYSIS OF COMPLIANCE ISSUES AT**  
20 **CORRECTIONAL FACILITIES AND IMMIGRATION DETENTION FACILITIES; AND**

21                           **(II) RECOMMENDATIONS TO ADDRESS COMPLIANCE ISSUES**  
22 **IDENTIFIED UNDER ITEM (I) OF THIS PARAGRAPH.**

23                   **(3) THE REPORT PROVIDED UNDER THIS SECTION MAY NOT DISCLOSE**  
24 **PERSONAL IDENTIFYING INFORMATION OF AN INCARCERATED INDIVIDUAL OR A**  
25 **CIVIL DETAINEE.**

26           (b) The Commission shall provide the Secretary and the governing body of each  
27 county and municipal corporation that has a correctional facility **OR AN IMMIGRATION**  
28 **DETENTION FACILITY** with a copy of its annual report.

29 8–111.1.

1           (A) (1) ANY PERSON MAY REPORT A VIOLATION OF THE MINIMUM  
2 MANDATORY STANDARDS BY A CORRECTIONAL FACILITY OR AN IMMIGRATION  
3 DETENTION FACILITY TO THE COMMISSION.

4           (2) THE COMMISSION SHALL ESTABLISH A STANDARDIZED PROCESS  
5 FOR THE REPORTING, RECEIPT, AND TIMELY REVIEW OF REPORTED VIOLATIONS  
6 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

7           (3) (I) THE DEPARTMENT SHALL PROVIDE AND MAINTAIN A LINK  
8 ON THE COMMISSION'S WEBSITE FOR THE PUBLIC TO REPORT A VIOLATION.

9           (II) THE LINK PROVIDED UNDER SUBPARAGRAPH (I) OF THIS  
10 PARAGRAPH SHALL ALLOW A VIOLATION TO BE REPORTED ANONYMOUSLY.

11           (4) THE COMMISSION AND THE DEPARTMENT SHALL MAINTAIN THE  
12 CONFIDENTIALITY OF ANY PERSONAL IDENTIFYING INFORMATION OF AN  
13 INCARCERATED INDIVIDUAL OR A CIVIL DETAINEE THAT IS PROVIDED IN A REPORT.

14           (5) AFTER COMPLETING REVIEW OF A VIOLATION REPORTED UNDER  
15 THIS SUBSECTION, THE COMMISSION MAY:

16           (I) INSPECT THE CORRECTIONAL FACILITY OR THE  
17 IMMIGRATION DETENTION FACILITY IN ACCORDANCE WITH § 8-113 OF THIS  
18 SUBTITLE;

19           (II) SEND A COMPLIANCE PLAN TO THE CORRECTIONAL  
20 FACILITY OR THE IMMIGRATION DETENTION FACILITY IN ACCORDANCE WITH §  
21 8-114 OF THIS SUBTITLE;

22           (III) DETERMINE THAT THE FACILITY IS LIFE-THREATENING OR  
23 HEALTH-ENDANGERING AND ORDER THE IMMEDIATE CESSATION OF OPERATION OF  
24 THE CORRECTIONAL FACILITY OR THE IMMIGRATION DETENTION FACILITY IN  
25 ACCORDANCE WITH § 8-115 OF THIS SUBTITLE; ~~OR~~

26           (IV) REFER THE VIOLATION TO THE OFFICE OF THE INSPECTOR  
27 GENERAL FOR FURTHER INVESTIGATION; OR

28           (V) TAKE ANY OTHER ACTION NECESSARY TO PROTECT THE  
29 HEALTH AND SAFETY OF INCARCERATED INDIVIDUALS OR CIVIL DETAINEES.

30           (B) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO PROVIDES  
31 SERVICES TO A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION  
32 FACILITY IN THE INDIVIDUAL'S CAPACITY AS:

1 (I) A LICENSED HEALTH CARE PRACTITIONER; ~~OR~~

2 (II) A SECURITY GUARD CERTIFIED UNDER TITLE 19, SUBTITLE  
3 4 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

4 (III) AN EMERGENCY MEDICAL TECHNICIAN LICENSED UNDER  
5 TITLE 13, SUBTITLE 5 OF THE EDUCATION ARTICLE; OR

6 (IV) A PRIVATE CUSTODIAL TRANSPORTATION SERVICE.

7 (2) AN INDIVIDUAL SUBJECT TO THIS SUBSECTION SHALL REPORT TO  
8 THE COMMISSION:

9 (I) A VIOLATION OF THE MINIMUM MANDATORY STANDARDS  
10 THAT THE INDIVIDUAL HAS REASON TO BELIEVE HAS BEEN COMMITTED BY A  
11 CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION FACILITY; AND

12 (II) A KNOWN BREACH OF THE SECURITY OF A SYSTEM OF A  
13 CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION FACILITY.

14 (3) IF THE REGULATING BODY FOR A LICENSED HEALTH CARE  
15 PRACTITIONER ~~OR~~, A CERTIFIED SECURITY GUARD, AN EMERGENCY MEDICAL  
16 TECHNICIAN, OR A PRIVATE CUSTODIAL TRANSPORTATION SERVICE DETERMINES  
17 THAT AN INDIVIDUAL HAS FAILED TO SUBMIT A REPORT IN VIOLATION OF  
18 PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSING BODY SHALL TAKE  
19 APPROPRIATE DISCIPLINARY ACTION.

20 (C) A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION FACILITY  
21 MAY NOT RETALIATE AGAINST AN EMPLOYEE FOR SUBMITTING, IN GOOD FAITH, A  
22 REPORT OF A VIOLATION UNDER THIS SECTION.

23 8-111.2.

24 (A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON OR BEFORE  
25 JULY 1, 2026, AND EACH JULY 1 THEREAFTER, EACH CORRECTIONAL FACILITY AND  
26 IMMIGRATION DETENTION FACILITY IN THE STATE SHALL SUBMIT A CERTIFICATION  
27 TO THE COMMISSION THAT THE FACILITY:

28 (I) HAS ADEQUATE AND RELIABLE UTILITIES THAT COMPLY  
29 WITH STATE AND LOCAL LAWS AND REGULATIONS, INCLUDING POTABLE WATER,  
30 SEWER, AND ELECTRICITY;

1                   (II) ~~HAS FUNCTIONAL HEATING, VENTILATION, AND AIR~~  
2 ~~CONDITIONING; MAINTAINS UTILITY COORDINATION FOR POTABLE WATER, SEWER,~~  
3 ~~AND ELECTRICITY SERVICES;~~

4                   (III) MAINTAINS AN EMERGENCY POWER SYSTEM TO ENSURE  
5 THE SAFE OPERATION OF THE FACILITY IN THE EVENT OF A DISRUPTION IN  
6 ELECTRICAL POWER; ~~AND~~

7                   (IV) MAINTAINS AN EMERGENCY OPERATIONS PLAN TO  
8 RESPOND TO UTILITY DISRUPTIONS, A BREACH OF THE SECURITY OF A SYSTEM,  
9 FIRES, AND MEDICAL EMERGENCIES;

10                  (V) HAS COORDINATION PROTOCOLS WITH LOCAL FIRE  
11 DEPARTMENTS AND EMERGENCY MEDICAL SERVICES, EMERGENCY MANAGEMENT,  
12 AND LOCAL HOSPITALS;

13                  (VI) OPERATES WITHIN THE OCCUPANCY STANDARD  
14 ESTABLISHED UNDER THE MINIMUM MANDATORY STANDARDS; AND

15                  (VII) OPERATES WITHIN THE CAPACITY OF AVAILABLE UTILITIES  
16 AND EMERGENCY SYSTEMS.

17                  (2) (I) ~~A~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A  
18 FACILITY SHALL SUBMIT AN UNREDACTED COPY OF THE EMERGENCY OPERATIONS  
19 PLAN UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION WITH THE CERTIFICATION  
20 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

21                  (II) A FACILITY MAY REDACT SENSITIVE SECURITY AND  
22 INTELLIGENCE INFORMATION TO MAINTAIN INTERNAL SECURITY PROCEDURES AND  
23 INVESTIGATIONS.

24                  (III) A FACILITY MAY PROVIDE A REDACTED COPY OF THE  
25 EMERGENCY OPERATION PLAN TO THE PUBLIC.

26                  (IV) THE EMERGENCY OPERATIONS PLAN SHALL BE REVIEWED  
27 AND UPDATED BY THE FACILITY AT LEAST ANNUALLY.

28                  (3) THE FACILITY SHALL INCLUDE SUFFICIENT DOCUMENTATION TO  
29 SUPPORT THE BASIS FOR THE CERTIFICATION AND PROMPTLY RESPOND TO  
30 REQUESTS FOR ADDITIONAL INFORMATION FROM THE COMMISSION.

31                  (B) IF A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION  
32 FACILITY HAS A MATERIAL CHANGE IN OPERATIONS OR A MATERIAL INCREASE IN

1 OCCUPANCY, THE FACILITY SHALL SUBMIT AN UPDATED CERTIFICATION TO THE  
2 COMMISSION WITHIN 30 DAYS OF THE CHANGE.

3 (C) IF A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION  
4 FACILITY FAILS TO SUBMIT THE CERTIFICATION OR SUPPORTING DOCUMENTATION  
5 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION SHALL:

6 (1) DETERMINE THAT THE FACILITY IS LIFE-THREATENING OR  
7 HEALTH-ENDANGERING AND ORDER THE IMMEDIATE CESSATION OF OPERATION OF  
8 THE CORRECTIONAL FACILITY OR THE IMMIGRATION DETENTION FACILITY IN  
9 ACCORDANCE WITH § 8-115 OF THIS SUBTITLE; OR

10 (2) TAKE ANY OTHER ACTION NECESSARY TO PROTECT THE HEALTH  
11 AND SAFETY OF INCARCERATED INDIVIDUALS OR CIVIL DETAINEES.

12 8-112.

13 (a) (1) The Commission shall:

14 (i) advise the Secretary regarding all:

15 1. minimum mandatory standards ~~FOR STATE AND LOCAL~~  
16 ~~CORRECTIONAL FACILITIES AND IMMIGRATION DETENTION FACILITIES LOCATED IN~~  
17 ~~THE STATE~~; and

18 2. approved standards for ~~State and local~~ correctional  
19 facilities;

20 (ii) consult and coordinate with national bodies promulgating  
21 ~~correctional~~ standards ~~FOR CORRECTIONAL FACILITIES AND IMMIGRATION~~  
22 ~~DETENTION FACILITIES~~ to provide reasonable compatibility between the State standards  
23 and nationally established standards; and

24 (iii) consult and cooperate with other units of the ~~State and local~~  
25 jurisdictions concerning ~~correctional~~ standards ~~FOR CORRECTIONAL FACILITIES AND~~  
26 ~~IMMIGRATION DETENTION FACILITIES~~.

27 (2) The Commission may provide technical assistance to the extent  
28 authorized in the State budget to aid the ~~State and local~~ jurisdictions in their efforts to  
29 comply with minimum mandatory standards and approved standards.

30 (b) The Commission shall adopt regulations to carry out this subtitle.

31 (c) The Commission shall employ a staff necessary to carry out this subtitle as  
32 provided in the State budget.

1 8–113.

2 (a) The Commission shall:

3 (1) establish and implement a process to inspect ~~State and local~~  
4 correctional facilities **AND IMMIGRATION DETENTION FACILITIES LOCATED IN THE**  
5 **STATE** to determine and certify compliance with applicable standards; and

6 (2) determine deadlines for remedial action and reinspection whenever  
7 inspection reports indicate noncompliance with applicable standards.

8 (b) The Commission may review and act on appeals from staff inspection reports.

9 (c) **THE COMMISSION MAY CONDUCT AN INSPECTION IN CONJUNCTION**  
10 **WITH AN APPROPRIATE UNIT OF STATE OR LOCAL GOVERNMENT, SUCH AS THE**  
11 **STATE FIRE MARSHAL OR THE MARYLAND DEPARTMENT OF HEALTH.**

12 (d) (1) **THE MANAGING OFFICIAL OR EMPLOYEES OF A CORRECTIONAL**  
13 **FACILITY OR THE OWNER, OPERATOR, MANAGER, OR EMPLOYEES OF AN**  
14 **IMMIGRATION DETENTION FACILITY MAY NOT RESTRICT, PREVENT, OR OTHERWISE**  
15 **IMPEDE AN INSPECTION FROM BEING CONDUCTED IN ACCORDANCE WITH THIS**  
16 **SUBTITLE.**

17 (2) **IF ANY INDIVIDUAL VIOLATES PARAGRAPH (1) OF THIS**  
18 **SUBSECTION, THE COMMISSION SHALL ORDER THE IMMEDIATE CESSATION OF**  
19 **OPERATION OF THE APPLICABLE CORRECTIONAL FACILITY OR IMMIGRATION**  
20 **DETENTION FACILITY.**

21 8–114.

22 (a) (1) If the Commission determines that a correctional facility **OR AN**  
23 **IMMIGRATION DETENTION FACILITY** is in violation of the minimum mandatory  
24 standards, the Commission shall send a compliance plan to the [correctional] facility.

25 (2) The compliance plan shall state:

26 (i) which minimum mandatory standards the [correctional] facility  
27 has violated;

28 (ii) the time, to be determined by the Commission, that the  
29 [correctional] facility has to address the violations; and

1 (iii) the date that the Commission shall reinspect the [correctional]  
2 facility to determine if the [correctional] facility has complied with the minimum  
3 mandatory standards.

4 (3) The Commission shall send a copy of the compliance plan to the  
5 executive and legislative body responsible for the [correctional] facility.

6 (b) (1) If, after sending a compliance plan and reinspecting a correctional  
7 facility **OR AN IMMIGRATION DETENTION FACILITY** under subsection (a) of this section,  
8 the Commission determines that the [correctional] facility is in violation of the minimum  
9 mandatory standards, the Commission shall send a letter of reprimand to the [correctional]  
10 facility.

11 (2) The letter of reprimand shall state:

12 (i) which minimum standards the [correctional] facility has  
13 violated;

14 (ii) the time, to be determined by the Commission but not to exceed  
15 60 days, that the [correctional] facility has to address the violations; and

16 (iii) the date that the Commission will reinspect the [correctional]  
17 facility to determine if the [correctional] facility has complied with the minimum  
18 mandatory standards.

19 (3) The Commission shall send a copy of the letter of reprimand to the  
20 executive and legislative body responsible for the [correctional] facility.

21 (c) (1) If, after the Commission has sent a letter of reprimand to a correctional  
22 facility **OR AN IMMIGRATION DETENTION FACILITY** under subsection (b) of this section  
23 and reinspected the facility, the Commission determines that the [correctional] facility is  
24 in violation of the minimum mandatory standards, the Commission shall:

25 (i) conduct a full standards and performance audit of the  
26 [correctional] facility; or

27 (ii) periodically inspect the [correctional] facility until compliance is  
28 attained and send a report of each inspection to the executive and legislative bodies  
29 responsible for the [correctional] facility.

30 (2) When conducting a full standards and performance audit of a  
31 [correctional] facility, the Commission shall examine:

32 (i) the physical condition of the [correctional] facility;

1 (ii) the safety and treatment of incarcerated individuals **OR CIVIL**  
2 **DETAINEES** at the [correctional] facility, **AS APPLICABLE**;

3 (iii) whether the [correctional] facility has policies and procedures in  
4 place as required by the minimum mandatory standards; and

5 (iv) whether the [correctional] facility is following the required  
6 policies and procedures.

7 (3) When conducting a full standards and performance audit, the  
8 Commission shall have unrestricted access to the personnel and records of the  
9 [correctional] facility.

10 (4) (i) If the Commission lacks the expertise necessary to perform a part  
11 of the full standards and performance audit, the Commission may obtain assistance from  
12 sources with expertise in the specific standard.

13 (ii) If the Commission needs to obtain assistance, the [correctional]  
14 facility that is being audited shall reimburse the Commission for any cost incurred.

15 (5) (i) After completing a full standards and performance audit, the  
16 Commission shall send a letter to the [correctional] facility.

17 (ii) The letter shall contain:

18 1. a copy of the audit findings, including details on all areas  
19 where the [correctional] facility fails to comply with the minimum mandatory standards;

20 2. a statement of what actions the [correctional] facility  
21 must take in order to comply with the audit findings;

22 3. a date when the [correctional] facility must comply with  
23 the audit findings; and

24 4. a statement that the Commission will conduct an  
25 unannounced inspection of the [correctional] facility within a reasonable amount of time  
26 after the date specified for compliance and that if the [correctional] facility fails to comply,  
27 the Commission may seek a court order requiring compliance or order all or part of the  
28 [correctional] facility to cease operations.

29 (iii) The Commission shall send a copy of the letter to the executive  
30 and legislative bodies responsible for the [correctional] facility.

31 (6) Within a reasonable time after the date specified for compliance, the  
32 Commission shall conduct an unannounced inspection to verify that the [correctional]  
33 facility has complied with the audit findings.

1 (d) (1) If, after performing an audit and unannounced inspection under  
2 subsection (c) of this section and holding a hearing on the issue, the Commission determines  
3 that a [correctional] facility has not complied with the audit findings, the Commission  
4 shall, **IN CONJUNCTION WITH THE ATTORNEY GENERAL:**

5 (i) petition a circuit court with venue over the proceeding for a court  
6 order requiring the [correctional] facility to comply with the audit findings; or

7 (ii) issue an order to cease operation of the [correctional] facility or  
8 any of its [correctional] elements, procedures, or functions.

9 (2) The Commission shall provide to a [correctional] facility reasonable  
10 notice of a hearing under paragraph (1) of this subsection.

11 (3) The Commission may subpoena witnesses and hold public hearings in  
12 accordance with Title 10, Subtitle 2 of the State Government Article before making a final  
13 decision on whether to seek a court order or close a [correctional] facility or any of its  
14 [correctional] elements, procedures, or functions.

15 **8-114.1.**

16 (A) **THIS SECTION APPLIES TO A PRIVATE ENTITY THAT OWNS, MANAGES,**  
17 **OR OPERATES, IN WHOLE OR IN PART, A CORRECTIONAL FACILITY OR AN**  
18 **IMMIGRATION DETENTION FACILITY.**

19 (B) **IN ADDITION TO ANY OTHER ACTION AUTHORIZED BY THIS SUBTITLE,**  
20 **THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST A PRIVATE ENTITY FOR:**

21 (1) **RETALIATING AGAINST AN EMPLOYEE FOR SUBMITTING A REPORT**  
22 **OF A VIOLATION IN VIOLATION OF § 8-111.1(C) OF THIS SUBTITLE;**

23 (2) **FAILING TO COMPLY WITH THE CERTIFICATION REQUIREMENTS**  
24 **UNDER § 8-111.2 OF THIS SUBTITLE;**

25 (3) **IMPEDING A COMMISSION INSPECTION IN VIOLATION OF §**  
26 **8-113(D)(1) OF THIS SUBTITLE; OR**

27 (4) **FAILING TO COMPLY WITH THE AUDIT FINDINGS OF THE**  
28 **COMMISSION UNDER § 8-114(C) OF THIS SUBTITLE.**

29 (C) **IN AN ACTION BROUGHT UNDER THIS SECTION, THE ATTORNEY**  
30 **GENERAL MAY SEEK:**

1           **(1) INJUNCTIVE RELIEF;**

2           **(2) A CIVIL PENALTY OF UP TO \$10,000 FOR EACH VIOLATION**  
3 **PAYABLE INTO THE GENERAL FUND OF THE STATE;**

4           **(3) REASONABLE ATTORNEY'S FEES AND COSTS; AND**

5           **(4) ANY OTHER APPROPRIATE RELIEF.**

6           **(D) EACH DAY THAT A PRIVATE ENTITY FAILS TO CORRECT A VIOLATION**  
7 **UNDER SUBSECTION (B)(2) THROUGH (4) OF THIS SECTION SHALL CONSTITUTE A**  
8 **SEPARATE VIOLATION.**

9 8-115.

10           (a) If the Commission or an authorized inspector finds a condition in a  
11 correctional facility **OR AN IMMIGRATION DETENTION FACILITY** that is life threatening  
12 or health endangering, the Commission or inspector ~~may~~ **SHALL** order the immediate  
13 cessation of operation.

14           (b) Within 96 hours after an order is issued under subsection (a) of this section,  
15 the Commission shall hold a review hearing to confirm or countermand the order.

16           (c) (1) **(I)** If a correctional facility is ordered closed under this section, all  
17 incarcerated individuals in the facility shall be transferred to and accepted in a suitable  
18 place of detention, as the Secretary determines.

19                               **(II) IF AN IMMIGRATION DETENTION FACILITY IS ORDERED**  
20 **CLOSED UNDER THIS SECTION, ALL CIVIL DETAINEES IN THE FACILITY SHALL BE**  
21 **TRANSFERRED TO AND ACCEPTED IN A SUITABLE PLACE OF DETENTION, AS**  
22 **DETERMINED BY THE APPROPRIATE STATE OR FEDERAL ENTITY.**

23           (2) The **STATE, LOCAL** governing body, **OR FEDERAL ENTITY** responsible  
24 for the cost of the closed facility shall pay the expenses incurred in transferring and  
25 maintaining incarcerated individuals **OR CIVIL DETAINEES** under paragraph (1) of this  
26 subsection.

27 8-116.

28           (a) (1) The Commission shall establish advisory boards to assist the  
29 Commission in carrying out its powers and duties under this subtitle.

30           (2) The Commission may establish advisory boards on [adult]:

31                               (i) **ADULT** detention centers and lockups;

1 (ii) ADULT community correctional facilities; [and]

2 (iii) ADULT correctional facilities other than those listed in items (i)  
3 and (ii) of this paragraph; AND

4 (IV) IMMIGRATION DETENTION FACILITIES.

5 (b) The chairperson of the Commission shall appoint the members of an advisory  
6 board with the approval of the Commission.

7 (c) The chairperson of an advisory board shall be a Commission member.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Commission on  
9 Correctional Standards and the Secretary of Public Safety and Correctional Services shall  
10 adopt emergency regulations required under Title 8, Subtitle 1 of the Correctional Services  
11 Article, as enacted by Section 1 of this Act, on or before June 1, 2026.

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.