

SENATE BILL 791

E5, E2

6lr3470
CF HB 1575

By: **Senator Lam**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 23, 2026

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services and Public Safety – Immigration Enforcement –**
3 **Prohibitions**
4 **(Community Trust Act)**

5 FOR the purpose of prohibiting ~~employees and agents of State and~~ local correctional
6 facilities from taking certain actions related to immigration enforcement, subject to
7 certain exceptions; prohibiting law enforcement agents from taking certain actions
8 related to immigration enforcement, subject to certain exceptions; requiring
9 employees and agents of State correctional facilities to provide a certain notice;
10 authorizing a District Court commissioner or a judge to consider the existence of a
11 certain request when considering whether to authorize pretrial release or set bond
12 or bail; and generally relating to immigration enforcement.

13 BY adding to
14 Article – Correctional Services
15 Section 8–805
16 Annotated Code of Maryland
17 (2025 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 5–104
21 Annotated Code of Maryland
22 (2025 Replacement Volume)

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 BY adding to
 2 Article – Criminal Procedure
 3 Section 5–201.1
 4 Annotated Code of Maryland
 5 (2025 Replacement Volume)

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

8 **Article – Correctional Services**

9 **8–805.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 11 INDICATED.

12 (2) “CIVIL IMMIGRATION VIOLATION” MEANS A VIOLATION OF
 13 FEDERAL CIVIL IMMIGRATION LAW.

14 (3) “COURT ORDER” DOES NOT INCLUDE A DOCUMENT ISSUED BY:

15 (I) THE UNITED STATES DEPARTMENT OF HOMELAND
 16 SECURITY;

17 (II) THE UNITED STATES DEPARTMENT OF JUSTICE; OR

18 (III) ANY SUCCESSOR AGENCY.

19 (4) “COVERED INDIVIDUAL” MEANS AN INDIVIDUAL WHO HAS BEEN
 20 CONVICTED OF:

21 (I) A FELONY UNDER THE LAWS OF THIS STATE;

22 (II) AN OFFENSE FOR WHICH REGISTRATION AS A SEX
 23 OFFENDER IS REQUIRED; ~~OR~~

24 (III) AN OFFENSE FOR WHICH THE INDIVIDUAL WAS SENTENCED
 25 TO A TERM OF INCARCERATION TO BE SERVED AT A STATE CORRECTIONAL
 26 FACILITY; OR

27 (IV) AN OFFENSE IN ANOTHER STATE FOR WHICH THE
 28 INDIVIDUAL WAS SENTENCED TO AT LEAST 5 YEARS OF INCARCERATION AND THE
 29 INDIVIDUAL COMPLETED AT LEAST 5 YEARS OF INCARCERATION OF THAT
 30 SENTENCE.

1 **(5) "IMMIGRATION DETAINER" MEANS A WRITTEN OR ELECTRONIC**
2 **REQUEST ISSUED BY A FEDERAL IMMIGRATION AUTHORITY TO REQUEST THAT**
3 **ANOTHER LAW ENFORCEMENT AGENCY DETAIN A PERSON THAT IS:**

4 **(I) BASED ON PROBABLE CAUSE TO BELIEVE THAT THE PERSON**
5 **TO BE DETAINED IS A REMOVABLE ALIEN UNDER FEDERAL IMMIGRATION LAW; AND**

6 **(II) ACCOMPANIED BY A FORM I-205 WARRANT OF**
7 **REMOVAL/DEPORTATION OR A SUCCESSOR FORM.**

8 ~~(4)~~ **(6) "JUDICIAL WARRANT" DOES NOT INCLUDE A DOCUMENT**
9 **ISSUED BY:**

10 **(I) THE UNITED STATES DEPARTMENT OF HOMELAND**
11 **SECURITY;**

12 **(II) THE UNITED STATES DEPARTMENT OF JUSTICE; OR**

13 **(III) ANY SUCCESSOR AGENCY.**

14 **(7) "LOCAL CORRECTIONAL FACILITY" INCLUDES:**

15 **(I) THE BALTIMORE CITY DETENTION CENTER; AND**

16 **(II) THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY**
17 **THAT IS OPERATED BY THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN**
18 **THE DEPARTMENT.**

19 **(B) (1) PARAGRAPH (2)(I), (III), (IV), AND (V) OF THIS SUBSECTION DOES**
20 **NOT APPLY TO A COVERED INDIVIDUAL.**

21 **(2) EXCEPT AS PROVIDED IN PARAGRAPHS ~~(2) AND (3)~~ (3) AND (4) OF**
22 **THIS SUBSECTION, ~~AN EMPLOYEE OR AGENT OF A STATE OR A LOCAL~~ A LOCAL**
23 **CORRECTIONAL FACILITY MAY NOT, ~~IN THE COURSE OF THE EMPLOYEE'S OR~~ A LOCAL**
24 **AGENT'S DUTIES:**

25 **(I) INQUIRE ABOUT OR INVESTIGATE AN INDIVIDUAL'S**
26 **CITIZENSHIP, IMMIGRATION STATUS, OR PLACE OF BIRTH;**

27 **(II) DETAIN OR PROLONG THE DETENTION OF AN INDIVIDUAL:**

28 **1. FOR THE PURPOSE OF INVESTIGATING THE**
29 **INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS;**

1 2. BASED ON THE SUSPICION THAT THE INDIVIDUAL HAS
2 COMMITTED A CIVIL IMMIGRATION VIOLATION; OR

3 3. AT THE REQUEST OF FEDERAL IMMIGRATION
4 AUTHORITIES UNLESS PRESENTED WITH A VALID JUDICIAL WARRANT;

5 (III) NOTIFY FEDERAL IMMIGRATION AUTHORITIES THAT AN
6 INDIVIDUAL IS IN CUSTODY UNLESS REQUIRED BY A VALID COURT ORDER OR
7 JUDICIAL WARRANT;

8 (IV) TRANSFER AN INDIVIDUAL TO FEDERAL IMMIGRATION
9 AUTHORITIES UNLESS PRESENTED WITH A VALID JUDICIAL WARRANT; OR

10 (V) COERCE, INTIMIDATE, OR THREATEN AN INDIVIDUAL BASED
11 ON THE ACTUAL OR PERCEIVED CITIZENSHIP OR IMMIGRATION STATUS OF THE
12 INDIVIDUAL OR ANY OTHER PERSON.

13 ~~(2)~~ (3) NOTHING IN THIS SUBSECTION SHALL PREVENT ~~AN~~
14 ~~EMPLOYEE OR AGENT OF A STATE OR~~ LOCAL CORRECTIONAL FACILITY FROM:

15 (I) INQUIRING ABOUT INFORMATION THAT IS MATERIAL TO A
16 ROUTINE BOOKING PROCEDURE; OR

17 (II) ENTERING INFORMATION INTO THE NATIONAL CRIME
18 INFORMATION CENTER.

19 ~~(3)~~ (4) IF THE CITIZENSHIP OR IMMIGRATION STATUS OF AN
20 INDIVIDUAL IS RELEVANT TO A PROTECTION ACCORDED TO THE INDIVIDUAL UNDER
21 STATE OR FEDERAL LAW, OR SUBJECT TO A REQUIREMENT IMPOSED BY
22 INTERNATIONAL TREATY, ~~AN EMPLOYEE OR AGENT OF A STATE OR~~ LOCAL
23 CORRECTIONAL FACILITY MAY:

24 (I) NOTIFY THE INDIVIDUAL OF THE PROTECTION OR
25 REQUIREMENT; OR

26 (II) PROVIDE THE INDIVIDUAL WITH AN OPPORTUNITY TO
27 VOLUNTARILY DISCLOSE THE INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS
28 FOR THE PURPOSE OF RECEIVING THE PROTECTION OR COMPLYING WITH THE
29 REQUIREMENT.

30 (C) (1) THIS SUBSECTION DOES NOT APPLY TO:

31 (I) THE BALTIMORE CITY DETENTION CENTER; AND

1 (II) THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY
2 THAT IS OPERATED BY THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN
3 THE DEPARTMENT.

4 (2) A STATE CORRECTIONAL FACILITY SHALL PROVIDE WRITTEN
5 NOTICE TO FEDERAL IMMIGRATION AUTHORITIES OF THE RELEASE OF AN
6 INDIVIDUAL WHO IS THE SUBJECT OF AN ACTIVE IMMIGRATION DETAINER WITHIN
7 48 HOURS BEFORE THE RELEASE OF THE INDIVIDUAL.

8 (D) (1) THE ATTORNEY GENERAL OR AN INDIVIDUAL WHO HAS BEEN
9 SUBJECTED TO A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION TO
10 ENFORCE THIS SECTION.

11 (2) IN AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION, THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR PERMANENT
13 INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A VIOLATION
14 OF THIS SECTION.

15 ~~(C) UNLESS REQUIRED BY STATE OR FEDERAL LAW OR A COURT ORDER, AN~~
16 ~~EMPLOYEE OR AGENT OF A STATE OR LOCAL CORRECTIONAL FACILITY MAY NOT:~~

17 ~~(1) IN THE COURSE OF THE EMPLOYEE'S OR AGENT'S DUTIES,~~
18 ~~PROVIDE INFORMATION TO FEDERAL IMMIGRATION AUTHORITIES; OR~~

19 ~~(2) ALLOW FEDERAL IMMIGRATION AUTHORITIES TO ACCESS:~~

20 ~~(I) AN AREA OF A STATE OR LOCAL CORRECTIONAL FACILITY~~
21 ~~NOT ACCESSIBLE TO THE PUBLIC; OR~~

22 ~~(II) RECORDS RELATING TO A STATE OR LOCAL CORRECTIONAL~~
23 ~~FACILITY THAT ARE NOT ACCESSIBLE TO THE PUBLIC.~~

24 ~~(D) (1) EACH STATE AND LOCAL CORRECTIONAL FACILITY SHALL ADOPT~~
25 ~~A POLICY CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION.~~

26 ~~(2) THE POLICY REQUIRED BY THIS SUBSECTION SHALL INCLUDE~~
27 ~~PENALTIES FOR AN EMPLOYEE OR AGENT WHO VIOLATES THE REQUIREMENTS OF~~
28 ~~THIS SECTION.~~

29 ~~(E) AN INDIVIDUAL WHO HAS BEEN SUBJECTED TO A VIOLATION OF THIS~~
30 ~~SECTION MAY BRING AN ACTION FOR:~~

31 ~~(1) ACTUAL DAMAGES;~~

1 (i) inquire about an individual's citizenship, immigration status, or
2 place of birth during a stop, a search, or an arrest;

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

4 1. for the purpose of investigating the individual's
5 citizenship or immigration status; or

6 2. based on the suspicion that the individual has committed
7 a civil immigration violation;

8 (iii) transfer an individual to federal immigration authorities unless
9 required by federal law; [or]

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

12 1. the individual's family member;

13 2. the individual's household member;

14 3. the individual's legal guardian; or

15 4. another individual for whom the individual is a legal
16 guardian; OR

17 (V) ~~NOTIFY FEDERAL IMMIGRATION AUTHORITIES THAT AN~~
18 ~~INDIVIDUAL IS IN CUSTODY PROVIDE FEDERAL IMMIGRATION AUTHORITIES WITH~~
19 ~~INFORMATION ABOUT AN INDIVIDUAL OBTAINED IN THE COURSE OF THE LAW~~
20 ~~ENFORCEMENT AGENT'S DUTIES UNLESS REQUIRED BY A VALID COURT ORDER.~~

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

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

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

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

1 ~~(C) (1) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL ADOPT A~~
2 ~~POLICY CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION.~~

3 ~~(2) THE POLICY REQUIRED BY THIS SUBSECTION SHALL INCLUDE~~
4 ~~PENALTIES FOR AN EMPLOYEE OR AGENT WHO VIOLATES THE REQUIREMENTS OF~~
5 ~~THIS SECTION.~~

6 ~~(D) AN INDIVIDUAL WHO HAS BEEN SUBJECTED TO A VIOLATION OF THIS~~
7 ~~SECTION MAY BRING AN ACTION FOR:~~

8 ~~(1) ACTUAL DAMAGES;~~

9 ~~(2) PUNITIVE DAMAGES; AND~~

10 ~~(3) INJUNCTIVE RELIEF.~~

11 5-201.1.

12 (A) IN THIS SECTION, "IMMIGRATION DETAINER" HAS THE MEANING
13 STATED IN § 8-805 OF THE CORRECTIONAL SERVICES ARTICLE.

14 (B) IN ADDITION TO ANY OTHER FACTOR ALLOWED BY THE MARYLAND
15 RULES OR COMMON LAW, A DISTRICT COURT COMMISSIONER OR A JUDGE MAY
16 CONSIDER THE EXISTENCE OF AN IMMIGRATION DETAINER WHEN DETERMINING
17 WHETHER TO:

18 (1) AUTHORIZE PRETRIAL RELEASE FOR A DEFENDANT CHARGED
19 WITH A FELONY; OR

20 (2) SET BOND OR BAIL FOR A DEFENDANT CHARGED WITH A FELONY.

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