

# SENATE BILL 791

E5, E2

6lr3470  
CF 6lr2926

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By: **Senator Lam**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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; and generally  
9 relating to immigration enforcement.

10 BY adding to  
11 Article – Correctional Services  
12 Section 8–805  
13 Annotated Code of Maryland  
14 (2025 Replacement Volume)

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Procedure  
17 Section 5–104  
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 **8–805.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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) "COURT ORDER" DOES NOT INCLUDE A DOCUMENT ISSUED BY:

(I) THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

(II) THE UNITED STATES DEPARTMENT OF JUSTICE; OR

(III) ANY SUCCESSOR AGENCY.

(4) "JUDICIAL WARRANT" DOES NOT INCLUDE A DOCUMENT ISSUED BY:

(I) THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

(II) THE UNITED STATES DEPARTMENT OF JUSTICE; OR

(III) ANY SUCCESSOR AGENCY.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN EMPLOYEE OR AGENT OF A STATE OR LOCAL CORRECTIONAL FACILITY MAY NOT, IN THE COURSE OF THE EMPLOYEE'S OR AGENT'S DUTIES:

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

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

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

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

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

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

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

6                   (V) COERCE, INTIMIDATE, OR THREATEN AN INDIVIDUAL BASED  
7 ON THE ACTUAL OR PERCEIVED CITIZENSHIP OR IMMIGRATION STATUS OF THE  
8 INDIVIDUAL OR ANY OTHER PERSON.

9                   (2) NOTHING IN THIS SUBSECTION SHALL PREVENT AN EMPLOYEE OR  
10 AGENT OF A STATE OR LOCAL CORRECTIONAL FACILITY FROM INQUIRING ABOUT  
11 INFORMATION THAT IS MATERIAL TO A ROUTINE BOOKING PROCEDURE.

12                  (3) IF THE CITIZENSHIP OR IMMIGRATION STATUS OF AN INDIVIDUAL  
13 IS RELEVANT TO A PROTECTION ACCORDED TO THE INDIVIDUAL UNDER STATE OR  
14 FEDERAL LAW, OR SUBJECT TO A REQUIREMENT IMPOSED BY INTERNATIONAL  
15 TREATY, AN EMPLOYEE OR AGENT OF A STATE OR LOCAL CORRECTIONAL FACILITY  
16 MAY:

17                   (I) NOTIFY THE INDIVIDUAL OF THE PROTECTION OR  
18 REQUIREMENT; OR

19                   (II) PROVIDE THE INDIVIDUAL WITH AN OPPORTUNITY TO  
20 VOLUNTARILY DISCLOSE THE INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS  
21 FOR THE PURPOSE OF RECEIVING THE PROTECTION OR COMPLYING WITH THE  
22 REQUIREMENT.

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

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

27                   (2) ALLOW FEDERAL IMMIGRATION AUTHORITIES TO ACCESS:

28                   (I) AN AREA OF A STATE OR LOCAL CORRECTIONAL FACILITY  
29 NOT ACCESSIBLE TO THE PUBLIC; OR

30                   (II) RECORDS RELATING TO A STATE OR LOCAL CORRECTIONAL  
31 FACILITY THAT ARE NOT ACCESSIBLE TO THE PUBLIC.

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

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

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

**(1) ACTUAL DAMAGES;**

**(2) PUNITIVE DAMAGES; AND**

**(3) INJUNCTIVE RELIEF.**

#### **Article – Criminal Procedure**

**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) “COURT ORDER” DOES NOT INCLUDE A DOCUMENT ISSUED BY:**

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

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

**(III) ANY SUCCESSOR AGENCY.**

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

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

**[(5)] (6) (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.

~~[(6)] (7)~~ “Local correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

~~[(7)] (8)~~ “State correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

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

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

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

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

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

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

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

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

1. the individual’s family member;

2. the individual’s household member;

3. the individual’s legal guardian; or

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

**(V) NOTIFY FEDERAL IMMIGRATION AUTHORITIES THAT AN INDIVIDUAL IS IN CUSTODY UNLESS REQUIRED BY A VALID COURT ORDER.**

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

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

(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.

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

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

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

**(1) ACTUAL DAMAGES;**

**(2) PUNITIVE DAMAGES; AND**

**(3) INJUNCTIVE RELIEF.**

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