

SENATE BILL 984

E5

EMERGENCY BILL

6lr3703
CF HB 1017

By: **Senator Smith**

Introduced and read first time: February 15, 2026

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 22, 2026

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2026

CHAPTER _____

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, a structure, or other real property for use as an immigration a~~
6 detention facility by a private entity ~~unless certain zoning authority applies;~~
7 establishing a certain penalty for a certain violation; authorizing the Attorney
8 General to bring a civil action to enforce this Act; applying this Act retroactively; and
9 generally relating to ~~immigration~~ detention 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:

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 Article – Correctional Services

2 1–101.

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

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

7 **1–103.**

8 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(2) (I) “DETENTION FACILITY” MEANS ANY BUILDING, FACILITY,**
11 **OR STRUCTURE USED, IN WHOLE OR IN PART, TO HOUSE OR DETAIN INDIVIDUALS**
12 **FOR CIVIL OR CRIMINAL VIOLATIONS.**

13 **(II) “DETENTION FACILITY” INCLUDES AN IMMIGRATION**
14 **DETENTION FACILITY.**

15 **(3) “UNIT OF LOCAL GOVERNMENT” MEANS A COUNTY, A**
16 **MUNICIPALITY, OR THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING**
17 **COMMISSION.**

18 ~~**(A) (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**~~
19 ~~**STATE OR A UNIT OF LOCAL GOVERNMENT MAY NOT APPROVE THE USE**~~
20 ~~**CONSTRUCTION OR OPERATION OF A BUILDING OR, A STRUCTURE, OR OTHER REAL**~~
21 ~~**PROPERTY AS AN IMMIGRATION FOR A DETENTION FACILITY BY A PRIVATE ENTITY**~~
22 ~~**UNLESS IMMIGRATION DETENTION FACILITY IS EXPRESSLY INCLUDED IN THE**~~
23 ~~**APPLICABLE ZONING AUTHORITY.**~~

24 ~~**(2) A GENERAL ZONING CLASSIFICATION AUTHORIZING**~~
25 ~~**GOVERNMENT, PUBLIC, OR INSTITUTIONAL USES DOES NOT CONSTITUTE EXPRESS**~~
26 ~~**AUTHORIZATION FOR A BUILDING OR STRUCTURE TO BE USED AS AN IMMIGRATION**~~
27 ~~**DETENTION FACILITY BY A PRIVATE ENTITY.**~~

28 ~~**(B) (C) A PRIVATE ENTITY MAY NOT OPERATE OR OCCUPY A BUILDING**~~
29 ~~**OR, A STRUCTURE, OR OTHER REAL PROPERTY AS AN IMMIGRATION A DETENTION**~~
30 ~~**FACILITY WITHOUT A USE AND OCCUPANCY AUTHORIZATION OR CHANGE IN USE AND**~~
31 ~~**OCCUPANCY APPROVAL CONSISTENT WITH THIS SECTION.**~~

1 ~~(C)~~ **(D)** FOR PURPOSES OF THIS SECTION, A BUILDING ~~OR, A STRUCTURE,~~
 2 OR OTHER REAL PROPERTY SHALL BE CONSIDERED PROPOSED FOR USE AS ~~AN~~
 3 ~~IMMIGRATION~~ A DETENTION FACILITY, REGARDLESS OF HOW THE USE IS DESCRIBED
 4 IN AN APPLICATION OR PERMIT REQUEST, IF:

5 **(1)** INDIVIDUALS ARE INTENDED TO BE HELD IN INVOLUNTARY
 6 CUSTODY AND WILL NOT BE FREE TO LEAVE; OR

7 **(2)** THE DESIGN, CONSTRUCTION, OR IMPROVEMENTS INCLUDE
 8 FEATURES CONSISTENT WITH SECURE OR INVOLUNTARY CONFINEMENT,
 9 INCLUDING:

10 **(I)** PERIMETER SECURITY MEASURES DESIGNED TO PREVENT
 11 OCCUPANTS FROM LEAVING;

12 **(II)** CONTROLLED ACCESS POINTS; OR

13 **(III)** LOCKED HOLDING AREAS.

14 ~~(D)~~ **(E)** **(1)** THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO
 15 ENFORCE THIS SECTION.

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

19 ~~(E)~~ **(F)** A PRIVATE ENTITY THAT OPERATES OR ATTEMPTS TO OPERATE
 20 ~~AN IMMIGRATION~~ A DETENTION FACILITY IN VIOLATION OF THIS SECTION IS
 21 SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH DAY THE
 22 VIOLATION CONTINUES.

23 ~~(F)~~ **(G)** THE REMEDIES PROVIDED UNDER THIS SECTION ARE IN
 24 ADDITION TO ANY OTHER REMEDY AVAILABLE UNDER STATE OR LOCAL LAW.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applied
 26 retroactively to any agreement between the State or a unit of local government and a
 27 private entity entered into before the effective date of this Act for the use of any building
 28 ~~or structure, structure, or other real property~~ if that building ~~or structure, structure, or~~
 29 other real property is intended to be used as ~~an immigration~~ a detention facility, regardless
 30 of any permits issued or investment made by the private entity toward construction or
 31 renovation of the building ~~or, structure, or other real property~~.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
 33 measure, is necessary for the immediate preservation of the public health or safety, has

1 been passed by a yea and nay vote supported by three-fifths of all the members elected to
2 each of the two Houses of the General Assembly, and shall take effect from the date it is
3 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.