Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 660 (Senator Love)
Judicial Proceedings

Public Safety - Law Enforcement - Response to Immigration Enforcement Actions

This bill requires a law enforcement agency, on receiving notice of an immigration enforcement action happening in the law enforcement agency's jurisdiction, to dispatch at least one law enforcement officer to (1) observe the immigration enforcement action; (2) ensure the safe transfer of an individual in custody as a result of the immigration enforcement action; (3) to the extent practicable, record the immigration enforcement action with the officer's body-worn camera (BWC), as specified; (4) file a report documenting the activity of immigration enforcement officials, as specified; and (5) preserve any evidence related to the immigration enforcement action. While responding to an immigration enforcement action, a law enforcement officer must continue to perform the constitutional obligations of the officer's position. The documentation and footage recorded consistent with the bill's requirements must be subject to Public Information Act. Notwithstanding any written BWC policy consistent with the policy published by the Maryland Police Training and Standards Commission, footage recorded consistent with the bill's requirements must be stored for at least four months. In addition, the report filed documenting the activity of immigration enforcement officials must be stored for at least four years.

Fiscal Summary

State Effect: Potential significant increase in State expenditures (multiple funds) beginning in FY 2027 for State law enforcement agencies, as discussed below. Revenues are not affected.

Local Effect: Local law enforcement agencies may incur significant costs to the extent additional officers and training are needed to meet the bill's requirements. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, a law enforcement officer must file a report documenting the activity of immigration enforcement officials including:

- the date, time, and location of the action;
- if applicable, the type of warrant used for the immigration enforcement action;
- what federal agencies were involved with the immigration enforcement action;
- a description of any force used during the immigration enforcement action;
- whether any medical attention was required as a result of the immigration enforcement action;
- whether the law enforcement officers were restricted from observing or recording the immigration enforcement action; and
- any violations of law the officer observed during the immigration enforcement action.

Current Law:

Immigration Enforcement

While immigration is controlled by federal law, the U.S. Immigration, Customs, and Enforcement Division (ICE) and the Department of Homeland Security have initiated numerous programs that involve state and local law enforcement agencies as allies and additional resources. For example, the Criminal Alien Program (CAP) supports ICE Enforcement and Removal Operations in executing its mission through the arrest and removal of undocumented immigrants who threaten the safety of the nation's communities and the integrity of U.S. immigration laws. CAP focuses on the identification, arrest, and removal of incarcerated undocumented immigrants at federal, state, and local levels, as well as at-large criminal undocumented immigrants.

Federal law does not mandate that state and local law enforcement agencies become involved in immigration efforts. However, federal law does prohibit a state or local government from prohibiting or in any way restricting any government entity or official from sending to or receiving from ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual. It also prohibits restrictions on any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (1) sending such information to, or requesting or receiving

such information from, ICE; (2) maintaining such information; or (3) exchanging such information with any other federal, state, or local government authority.

Immigration Status and Law Enforcement Agents

Among other prohibitions, Chapter 19 of the 2021 special session prohibits a law enforcement agent, during the performance of regular police functions from (1) inquiring about an individual's citizenship, immigration status, or place of birth during a stop, a search, or an arrest; (2) detaining, or prolonging the detention of an individual for the purpose of investigating the individual's citizenship or immigration status, or based on the suspicion that the individual has committed a civil immigration violation; (3) transferring an individual to federal immigration authorities unless required by federal law; or (4) coercing, intimidating, or threatening any individual based on the actual or perceived citizenship or immigration status of the individual or specified individuals that are generally related to the individual.

Nothing in the provisions prevent a law enforcement agent from inquiring about any information that is material to a criminal investigation.

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 (1) notify the individual of the protection or requirement and (2) 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.

"Civil immigration violation" means a violation of federal civil immigration law.

"Law enforcement agent" means an individual who is certified by the Maryland Police Training and Standards Commission. "Law enforcement agent" does not include an agent or employee of a State correctional facility or local correctional facility. "Arrest" does not include a routine booking procedure.

Body-worn Camera Policy

Chapters 128 and 129 of 2015 established the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers. Through the examination of model policies and discussion, the commission compiled a list of best practices for BWCs and submitted a report to the General Assembly and the Police Training Commission (now known as MPTSC) in September 2015. The commission's report addresses (1) procedures for testing and operating equipment, including when BWCs must be activated and when their use is prohibited; (2) notification responsibilities of law enforcement officers to

individuals being recorded; (3) confidentiality and ownership of data; (4) procedures and requirements for data storage; (5) the review of recordings by parties in interest; and (6) the establishment of retention periods, the release of recordings as required by the Public Information Act, and the development of written policies for BWCs usage consistent with State law and regulations issued by MPTSC.

Pursuant to Chapters 128 and 129, MPTSC developed a policy for the issuance and use of BWCs by law enforcement officers, which incorporated the recommendations of the commission.

Body-worn Cameras Required

Chapter 60 of 2021 required, by July 1, 2023, the Department of State Police, the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office to require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the agency's policy on the use of BWCs. By July 1, 2025, a law enforcement agency of a county not mentioned above was required to meet these same requirements.

A BWC that possesses the requisite technological capability must automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

A law enforcement agency subject to the BWC requirements must develop and maintain a written policy consistent with the policy published by MPTSC for the use of BWCs. The policy must specify which law enforcement officers employed by the law enforcement agency are required to use BWCs. A law enforcement agency may not negate or alter any of the requirements or policies established in accordance with specified BWC-related provisions through collective bargaining.

Wiretap Act

Under Maryland's Wiretap Act, it is unlawful to willfully intercept any wire, oral, or electronic communication. Under the Wiretap Act, "intercept" is defined to mean the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device. However, statute does authorize the interception of an oral communication if all participants have given prior consent (sometimes called "two-party consent"). Maryland is 1 of 12 two-party consent states, most of which spell out clearly that the consent is required only in circumstances where there is a "reasonable expectation of privacy."

The Wiretap Act does provide specified exceptions. For example, the interception of an oral communication by a law enforcement officer or correctional officer in the course of the officer's regular duty is lawful if (1) the law enforcement officer or correctional officer is in uniform or prominently displaying the officer's badge or other insignia; (2) the law enforcement officer or correctional officer is making reasonable efforts to conform to standards for the use of a body-worn digital recording device or an electronic control device capable of recording video and oral communications; (3) the law enforcement officer or correctional officer is a party to the oral communication; (4) the law enforcement officer or correctional officer notifies, as soon as practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and (5) the oral interception is being made as part of a videotape or digital recording.

The failure of a law enforcement officer or correctional officer to provide notice, as specified, to an individual who is being recorded in accordance with the requirements for lawful interception of an oral communication with a body-worn digital recording device, does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined the discussion in progress for which proper notification was previously given.

Each interception in violation of the Wiretap Act may be prosecuted as a felony, punishable by up to five years imprisonment, and/or a $10,000 fine. A person who is the victim of a violation of the Wiretap Act has a civil cause of action against the wiretapper for damages, attorney's fees, and litigation costs.

A "body-worn digital recording device" means a device worn on the person of a law enforcement officer or correctional officer that is capable of recording video and intercepting oral communications. An "electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

State Expenditures: State law enforcement agencies may incur potentially significant increases in costs beginning in fiscal 2027 to upgrade training, to hire personnel, and overtime costs to meet the bill's requirements. The effect likely varies by law enforcement agency and depends on the number of immigration enforcement actions that occur within the jurisdiction of the law enforcement agency. The Natural Resources Police within the Department of Natural Resources advises that the department likely experiences significant costs associated with overtime, backfilling positions when officers are reassigned, and potential new hiring and training if the demand proves significant. In addition, the department likely experiences additional costs to train officers on the new legal framework, protocols, and required equipment to accurately document encounters and adhere to the bill's requirements. Other State law enforcement agencies report the potential for the bill

to have a fiscal effect; however, a precise impact on State expenditures is not possible to reliably quantify without experience under the bill.

Local Expenditures: Similar to the effect on State law enforcement agencies, there is a potential significant increase in administrative and staffing costs for local law enforcement agencies to dispatch at least one law enforcement officer to respond to immigration enforcement actions within the law enforcement agency's jurisdiction and to meet the bill's requirements relating to any such encounter. If an officer is dispatched to immigration enforcement actions (even as an observer), that officer is pulled away from other policing needs such as patrol, emergency response, community policing, and investigations. The Maryland Municipal League advises that in smaller towns, this likely has a significant impact. However, some local law enforcement can likely implement the bill with existing resources. Overall, any impact depends on the number and type of immigration enforcement actions that occur within a law enforcement agency's jurisdiction.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Montgomery and Washington counties; Maryland Association of Counties; Maryland Municipal League; Town of Bel Air; Alcohol, Tobacco, and Cannabis Commission; Comptroller's Office; Baltimore City Community College; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Health; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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