

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 719
Judiciary

(Delegate Arikan, *et al.*)

Public Safety - Immigration Enforcement - Prohibition Against Sanctuary Policies

This bill prohibits the State, a unit of local government, a county sheriff, or an agency, an officer, an employee, or an agent of the State or a unit of local government from adopting or having in effect a “sanctuary policy.” In addition, the bill partially repeals provisions of law (1) requiring, with specified exceptions, a public school, a public library, or a unit of the Executive Branch of State or local government that operates at a sensitive location to deny access to specified areas for the purpose of enforcing federal immigration law; (2) establishing restrictions on actions relating to citizenship or immigration status by law enforcement agents while performing regular police functions; (3) requiring an officer, an employee, an agent, or a contractor of the State or a political subdivision to deny inspection of specified records, and deny inspection using facial recognition searches, by any federal agency seeking access for the purpose of enforcing federal immigration law unless provided with a valid warrant; (4) requiring the Motor Vehicle Administration (MVA), the Department of State Police (DSP), and the Department of Public Safety and Correctional Services (DPSCS) to submit a specified annual report to the General Assembly on records requests from federal agencies seeking access for immigration enforcement purposes; and (5) requiring State and local law enforcement agencies and other specified entities that operate a specified database to deny access to the database to an individual seeking access for the purpose of enforcing federal immigration law, unless provided with a valid warrant.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures for affected State agencies to update policies and training. Revenues are not affected.

Local Effect: Potential minimal increase in local government expenditures to update policies and training. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Definitions – Added by the Bill

Under the bill, “immigration detainer” is defined to mean a facially sufficient written or electronic request issued by a federal immigration agency using that agency’s official form to request that another agency detain an individual based on probable cause to believe that the individual to be detained is a removable alien under federal immigration law.

“Sanctuary policy” is defined under the bill to mean a law, policy, practice, procedure, or custom adopted or allowed by a State or local governmental entity that prohibits or impedes any State or local governmental entity from:

- communicating with a federal immigration agency;
- cooperating with a federal immigration agency;
- complying with an immigration detainer;
- complying with a request from a federal immigration agency to notify the federal immigration agency before the release of an individual in the custody of the State or local governmental entity;
- providing a federal immigration agency access to an incarcerated individual for an interview;
- participating in any program or agreement authorized under 8 U.S.C. § 1357;
- providing a federal immigration agency with the incarceration status or release date of an incarcerated individual;
- providing information to another governmental entity on the immigration status of an individual in the custody of the State or local governmental entity;
- executing a valid judicial warrant; or
- participating in a federal immigration enforcement operation with a federal immigration authority as authorized by State and federal law.

Sensitive Locations - Denial of Access to Enforce Immigration Law – Partially Repealed

Chapter 718 of 2025 requires (1) a federal law enforcement officer to notify specified individuals regarding a federal immigration enforcement action at a “sensitive location” and (2) a public school, a public library, or a unit of the Executive Branch of State or local government that operates at a sensitive location to deny access to any portion of the

sensitive location that is not accessible to the general public to any individual seeking to enforce federal immigration law, unless the individual presents a valid judicial warrant or exigent circumstances exist (without applicability to a State or local correctional facility or a detention facility in a District Court or circuit court location).

The bill repeals provisions requiring a public school, a public library, or a unit of the Executive Branch of State or local government that operates at a sensitive location to deny access to a specified area without changes to the requirement for a federal law enforcement officer to notify specified individuals regarding a federal immigration enforcement action at a sensitive location.

Attorney General Guidance: Chapter 718 also requires the Attorney General to develop and publish guidance that informs the public and relevant State agencies about:

- delineating between immigration enforcement within the public portions of sensitive locations and the nonpublic or private portions of sensitive locations;
- verifying the identity of immigration enforcement agents and validating immigration enforcement documentation seeking specific individuals;
- limiting liability exposure for State, local, and private institutions and the participation of the employees of those institutions in immigration enforcement at sensitive locations;
- facilitating relationships between federal law enforcement officers and State and local officials and law enforcement officers in order to conduct immigration enforcement activities through the least dangerous and disruptive means; and
- complying with existing legal obligations and limitations on State and local agencies while maintaining public safety and accessibility to those agencies.

Private entities are encouraged to adopt policies consistent with the guidance developed by the Attorney General if the private entities provide services related to (1) physical or mental health; (2) education; (3) shelter care; or (4) access to justice.

The required guidance and policies are not subject to the Administrative Procedure Act under Title 10, Subtitles 1, 2, and 3 of the State Government Article.

The bill does not repeal any of the provisions relating to guidance by the Attorney General.

Governmental Entity Procedures: Pursuant to Chapter 718, each public school, public library, and unit of the Executive Branch of State or local government that operates a sensitive location must implement a policy consistent with the guidance issued by the Attorney General.

By July 1, 2026, each governmental entity must (1) in consultation with the Department of Information Technology, develop and publish procedures that prevent the sale and redisclosure of personal records and geolocation data provided or made available by the governmental entity in a way that harms the privacy of residents of the State and (2) submit a copy of the procedures developed to the General Assembly. The procedures must specifically address:

- any possible contractual limitations on the sale or redisclosure of personal records or geolocation data that a governmental entity may place on a person who receives personal records or geolocation data that are provided or made available by the governmental entity;
- considerations regarding (1) the threat to privacy posed by data brokers who utilize personal records or geolocation data for commercial purposes; (2) the risk that personal records or geolocation data may be used for purposes other than the purposes for which the personal records or geolocation data were developed or collected; and (3) geolocation, genetic, and other sensitive data; and
- any other considerations necessary to (1) protect the privacy of residents of the State; (2) discourage the development of a secondary commercial market for personal records or geolocation data that are provided or made available by a governmental entity; and (3) limit a person who receives personal records or geolocation data that are provided or made available by a governmental entity from selling or redisclosing the data with other persons.

The above described governmental entity requirements and procedures are not repealed by the bill.

Definitions: Under current law and unchanged by the bill, “sensitive location” means:

- a public school;
- a public library;
- a health care facility operated by a unit of State or local government;
- a facility operated by the Comptroller;
- a *courthouse*; or
- any other location that (1) provides State-funded services related to physical or mental health, education, shelter care, or access to justice and (2) as determined by the Attorney General, requires special consideration for immigration enforcement activities.

“Collateral immigration enforcement” is defined under current law (and is not changed by the bill) to mean federal immigration enforcement actions that affect individuals who are not the primary target of the enforcement action but are present at the location of the enforcement action.

“Immigration enforcement” is not changed by the bill and means federal immigration enforcement actions

Restrictions on Actions by Law Enforcement Agents while Performing Regular Police Functions – Partially Repealed

Chapter 19 of the 2021 special session prohibits the State, local governments, and specified State and local agents from (1) entering into an agreement of any kind for the detention of individuals in an immigration detention facility owned, managed, or operated, in whole or in part, by a private entity; (2) paying, reimbursing, subsidizing, or defraying in any way any costs related to the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated, in whole or in part, by a private entity; (3) receiving any payment related to the detention of individuals in an immigration detention facility owned, managed, or operated in whole or in part, by a private entity; or (4) otherwise giving any financial incentive or benefit to any private entity or person in connection with the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated, in whole or in part, by a private entity.

The State, local governments, and specified State and local agents are prohibited from approving a zoning variance or issuing a permit for the construction of a building or the reuse of existing buildings or structures by any private entity for use as an immigration detention facility unless the entity (1) provides notice to the public of the proposed zoning variance or permit action at least 180 days before authorizing the variance or issuing the permit and (2) solicits and hears public comments on the proposed zoning variance or permit action in at least two separate meetings open to the public.

The State, local governments, and specified State and local agents are prohibited from entering into or renewing an immigration detention agreement. Those with an existing immigration detention agreement must exercise the termination provision contained in the immigration detention agreement no later than October 1, 2022. In any dispute over an immigration detention agreement with the State, these provisions govern. However, the provisions may not be construed to authorize or prohibit the State, local governments, and specified State and local agents from entering into an agreement with the federal government under 8 U.S.C. § 1357(g).

“Immigration detention agreement” means any contract, agreement, intergovernmental service agreement, or a memorandum of understanding that authorizes a State or local government agency to house or detain individuals for federal civil immigration violations.

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

None of the above described restrictions on actions by law enforcement agents while performing regular police functions relating to immigration enforcement are repealed by the bill. However, the bill repeals provisions prohibiting a law enforcement agent, during the performance of regular police functions (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. In addition, the bill repeals provisions establishing that nothing within the just described provisions prevent a law enforcement agent from inquiring about any information that is material to a criminal investigation. Further, the bill repeals the specific authorization within the described prohibitions, 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, for a law enforcement agent to (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.

Denial of Specified Records and Searches under the Public Information Act – Repealed

The bill repeals requirements established by Chapter 18 of the 2021 special session, that require, notwithstanding any other provision of Maryland’s Public Information Act (PIA), an officer, employee, agent, or contractor of the State or a political subdivision to deny inspection of a part of a public record that contains personal information or a photograph of an individual by any federal agency seeking access for the purpose of enforcing federal immigration law unless provided with a valid warrant.

In addition, the bill repeals the requirements for an officer, employee, agent, or contractor of the State or a political subdivision to deny inspection using a facial recognition search of a digital photographic image or actual stored data of a digital photographic image by any federal agency seeking access for the purposes of enforcing federal immigration law unless provided with a valid warrant.

The bill also repeals the defined term “facial recognition,” which means a biometric software application that identifies or verifies a person by comparing and analyzing patterns based on a person’s facial contours.

Mandatory Reporting on Records and Search Requests: The bill repeals provisions requiring MVA, DSP, and DPSCS, by June 1, 2023, and annually thereafter, to submit a report to the General Assembly on PIA requests from federal agencies seeking access to personal information, a photograph of an individual, or a facial recognition search for the purpose of federal immigration enforcement, whether or not the request was initiated through a State or local law enforcement agency. The report must include specified information relating to the number of requests received, the number of facial recognition searches completed, and the number of individuals whose personal information or photograph was provided to a federal agency.

Requirements for Databases Operated by Law Enforcement Agencies - Repealed

The bill repeals various requirements for databases operated by State and local law enforcement agencies, including the definitions for the terms “database” and “law enforcement agency.” “Database,” means any database operated by State and local law enforcement agencies, including databases maintained for a law enforcement agency by a private vendor. “Database” does not include a registry operated under Title 11, Subtitle 7 (State Sex Offender Registration) of the Criminal Procedure Article. “Law enforcement agency” is defined as a federal, State, or local agency authorized to enforce criminal laws. “Law enforcement agency” includes DPSCS.

The bill repeals the requirement for an entity operating such a database to deny access to the database to any individual who is seeking access for the purpose of enforcing federal immigration law, unless the individual presents a valid warrant issued by a federal court or a court of the State. In addition, the entity must require an individual accessing the database to provide (1) the individual’s name and contact information and (2) unless the individual presents a valid warrant, a statement, under penalty of perjury, that the individual is not accessing the database for the purpose of enforcing federal immigration law.

287(g) Agreements and Immigration Detainers – Not changed by the Bill

Section 287(g) of the Immigration and Nationality Act (codified as 8 U.S.C. § 1357(g)) authorizes the Attorney General of the United States to enter into agreements, commonly referred to as “287(g) agreements,” with state and local governments authorizing state or local personnel “to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States.” A 287(g) agreement is not required for a local jurisdiction to cooperate with federal immigration authorities; however, federal law does require that each agreement provide that participating personnel have adequate training regarding immigration law.

Chapters 1 and 2 of 2026 prohibit the State, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the State or a unit of local government from entering into an “immigration enforcement agreement.” “Immigration enforcement agreement” means a contract, an agreement, an intergovernmental service agreement, or a memorandum of understanding with the federal government that authorizes the State, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the State or a unit of local government to enforce civil immigration law. “Immigration enforcement agreement” includes an agreement made in accordance with (1) 8 U.S.C. § 1103; (2) 8 U.S.C. § 1357; or (3) any other federal law.

Additional Information

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

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Cecil, Frederick, and Montgomery counties; City of Frederick; Maryland Municipal League; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Baltimore City Public Schools; Montgomery County Public Schools; Prince George’s County Public Schools; Department of Legislative Services

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