



**Testimony for the Senate Judicial Proceedings Committee**

**SB 984– Correctional Services – Detention Facilities – Original Design and Construction**

**FAVORABLE**

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The ACLU of Maryland supports SB 984, which seeks to establish clear limits on where and how detention facilities may operate in Maryland. The principles this bill advances are essential to all forms of detention: human dignity, public accountability, and the fundamental obligation of the State to ensure that people deprived of their liberty are housed in facilities explicitly designed for that purpose and authorized for detention.

Across systems of detention, criminal, civil, and administrative, we have seen a dangerous trend toward expanding carceral capacity through expediency rather than care. The federal government is purporting to use warehouses, industrial buildings, and other structures never intended to confine human beings for detention, with little to no public input from state and local governments or the communities.<sup>1</sup> SB 984 draws a necessary and principled line: if the State or its partners are going to detain people, those facilities must be expressly authorized through local zoning processes, not slipped in under vague or generic land-use categories.

Detention is one of the most severe exercises of government power. When the State confines someone, it assumes complete responsibility for that person's safety, medical care, and basic human needs. Facilities not designed for detention will inevitably fail to meet those obligations. Current improvised detention spaces like, the now infamous Alligator Alcatraz, or Ft. Bliss, a tent-like camp on a military base, are associated with overcrowding, medical neglect, and multiple deaths.<sup>2</sup> These failures are not isolated accidents—they are the predictable result of placing human beings in hastily built cages with no regard for their humanity.

Commented [NS1]: could also mention Alligator Alcatraz

<sup>1</sup> Jonathan O'Connell & Douglas MacMillan, ICE Buys Warehouses for Mass Detention Network, Rattling Locals, Wash. Post (Jan. 30, 2026), available at <https://www.washingtonpost.com/investigations/2026/01/30/ice-warehouse-detention-dhs-immigration/>.

<sup>2</sup> ICE Letter re: Fort Bliss, American Civil Liberties Union (Dec. 8, 2025), available at <https://www.aclu.org/documents/ice-letter-re-fort-bliss>.

SB 984 also addresses a critical accountability gap by regulating the role of private, for-profit entities in detention through enforceable zoning and occupancy requirements. Across the detention landscape, privatization has created powerful financial incentives to cut corners, reduce staffing, and minimize medical and mental health care.<sup>3</sup> Private detention operators often function with little transparency, shielded from public records laws and routine oversight, even while exercising coercive power over people's lives. This lack of accountability undermines public trust and erodes constitutional and human rights protections.

Importantly, the bill reinforces the role of state and local governments in land-use decisions affecting detention facilities. Requiring advance public notice and multiple opportunities for public comment recognizes that detention facilities fundamentally reshape communities. Maryland residents deserve to know when the federal government is setting up shop and operating a mass detention camp in their back yards and they deserve a meaningful opportunity to raise concerns about safety, potential strains on local resources like water, infrastructure, traffic, emergency services, and moral opposition to detention itself.

Concerns about federal preemption should not deter this General Assembly from acting. States have long exercised their police powers to regulate health, safety, land use, and the operation of detention facilities within their borders. Where cooperation with federal authorities exists, it has historically been conditioned on compliance with state law, not exemption from it.

SB 984 challenges us to confront a deeper question that cuts across all systems of detention: how comfortable are we in allowing human confinement to expand in the shadows, driven by cruelty, convenience and profit rather than necessity and care? People in detention—whether accused, convicted, or held under civil authority—remain human beings. They do not lose their right to safety, dignity, or basic decency at the moment a door locks behind them.

For these reasons, we respectfully urge the Committee to issue a favorable report on SB 984.

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<sup>3</sup> **Immigrants Sue Trump Administration Over Inhumane Conditions at California's Largest Immigration Detention Center**, American Civil Liberties Union (Nov. 13, 2025), available at <https://www.aclu.org/press-releases/immigrants-sue-trump-administration-over-inhumane-conditions-at-californias-largest-immigration-detention-center>