



SB 791 – Correctional Services and Public Safety – Immigration Enforcement – Prohibitions (Community Trust Act)

MCAA Position: **OPPOSE**

TO: Judicial Proceedings

DATE: February 23, 2026

FROM: Christopher Klein, President
Lamonte Cooke, Legislative Committee
Mary Ann Thompson, Legislative Committee

The Maryland Correctional Administrator’s Association (MCAA), representing jail wardens and administrators across the state and committed to advancing effective correctional practices, **opposes SB791**, which would restrict how correctional facilities may communicate or cooperate with a specific federal law-enforcement agency.

SB791 prohibits local and state correctional facilities from notifying or assisting U.S. Immigration and Customs Enforcement (ICE) regarding individuals in custody unless a court order or judicial warrant is presented. This limitation would obstruct legitimate federal inquiries. **No other law-enforcement agency is subject to this level of restriction within Maryland facilities.**

The bill poses a significant risk to public safety. As written, it would require the release of individuals who may be:

- Facing or convicted of felony charges
- Wanted or previously convicted in other states
- Wanted by federal authorities
- Wanted by foreign governments

These releases could occur solely because the bill restricts communication and cooperation with agencies that may have active warrants or detainees.

The bill also conflicts with international legal obligations. Under the *Vienna Convention on Consular Relations (1963), Article 36*, authorities must:

1. Inform detained foreign nationals without delay that they may have their consulate notified.
2. Notify the consulate if the individual requests it.
3. Permit communication between the detainee and their consulate.

To meet these obligations, facilities must ask every person at intake about their citizenship. Limiting this information or restricting communication jeopardizes Maryland's ability to comply with binding international treaty requirements. This section of the bill should be removed.

Lastly, according to Governor Wes Moore's memo dated February 17, 2026, on SB 245/HB 444, "Public safety is, has been, and will continue to be my top priority." He further stated, "I have directed Department of Public Safety and Correctional Services Secretary Carolyn Scruggs to continue its lawful coordination with ICE on the removal of public safety threats and I encourage each of you to do the same with your personnel". This bill removes that cooperation with our federal partners and does not make Maryland safer.

For these reasons, the MCAA respectfully urges the Committee to issue an UNFAVORABLE report on Senate Bill 791.