

HOUSE BILL 1017

E5

EMERGENCY BILL
ENROLLED BILL

(6lr3609)

— *Government, Labor, and Elections/Judicial Proceedings* —

Introduced by ~~Delegate Wells~~ Delegates Wells, Crutchfield, Fair, Kerr, Lehman,
Ruth, Schindler, Solomon, Stewart, Terrasa, and Wu

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____ M.

Speaker.

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, 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

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.

Italics indicate opposite chamber/conference committee amendments.



1 (2025 Replacement Volume)

2 BY adding to
3 Article – Correctional Services
4 Section 1–103
5 Annotated Code of Maryland
6 (2025 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That the Laws of Maryland read as follows:

9 **Article – Correctional Services**

10 1–101.

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

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

15 **1–103.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

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

21 **(II) “DETENTION FACILITY” INCLUDES AN IMMIGRATION**
22 **DETENTION FACILITY.**

23 **(III) “DETENTION FACILITY” DOES NOT INCLUDE A FACILITY:**

24 **1. A. THAT IS A HEALTH CARE FACILITY LICENSED**
25 **UNDER TITLE 19 OF THE HEALTH – GENERAL ARTICLE; OR**

26 **B. THAT IS A RESIDENTIAL CHILD CARE PROGRAM OR**
27 **CHILD PLACEMENT AGENCY LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY**
28 **LAW ARTICLE; AND**

29 **2. WHOSE PRIMARY PURPOSE IS TO PROVIDE HEALTH**
30 **CARE, TREATMENT, EDUCATION, OR REHABILITATION SERVICES.**

1 (3) "UNIT OF LOCAL GOVERNMENT" MEANS A COUNTY, A
2 MUNICIPALITY, OR THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
3 COMMISSION.

4 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE OR A
5 UNIT OF LOCAL GOVERNMENT MAY NOT APPROVE THE CONSTRUCTION OR
6 OPERATION OF A BUILDING, A STRUCTURE, OR OTHER REAL PROPERTY TO BE USED
7 BY A PRIVATE ENTITY AS A DETENTION FACILITY.

8 (C) A PRIVATE ENTITY MAY NOT OPERATE OR OCCUPY A BUILDING, A
9 STRUCTURE, OR OTHER REAL PROPERTY AS A DETENTION FACILITY.

10 (D) FOR PURPOSES OF THIS SECTION, A BUILDING, A STRUCTURE, OR OTHER
11 REAL PROPERTY SHALL BE CONSIDERED PROPOSED FOR USE AS A DETENTION
12 FACILITY, REGARDLESS OF HOW THE USE IS DESCRIBED IN AN APPLICATION OR
13 PERMIT REQUEST, IF:

14 (1) INDIVIDUALS ARE INTENDED TO BE HELD IN INVOLUNTARY
15 CUSTODY AND WILL NOT BE FREE TO LEAVE; OR

16 (2) THE DESIGN, CONSTRUCTION, OR IMPROVEMENTS INCLUDE
17 FEATURES CONSISTENT WITH SECURE OR INVOLUNTARY CONFINEMENT,
18 INCLUDING:

19 (I) PERIMETER SECURITY MEASURES DESIGNED TO PREVENT
20 OCCUPANTS FROM LEAVING;

21 (II) CONTROLLED ACCESS POINTS; OR

22 (III) LOCKED HOLDING AREAS.

23 (E) (1) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO
24 ENFORCE THIS SECTION.

25 (2) THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR
26 PERMANENT INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A
27 VIOLATION OF THIS SECTION.

28 (F) A PRIVATE ENTITY THAT OPERATES OR ATTEMPTS TO OPERATE A
29 DETENTION FACILITY IN VIOLATION OF THIS SECTION IS SUBJECT TO A CIVIL
30 PENALTY NOT EXCEEDING \$10,000 FOR EACH DAY THE VIOLATION CONTINUES.

31 (G) THE REMEDIES PROVIDED UNDER THIS SECTION ARE IN ADDITION TO
32 ANY OTHER REMEDY AVAILABLE UNDER STATE OR LOCAL LAW.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 2 as follows:

3 Article – Correctional Services

4 **1–103.**

5 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
 6 INDICATED.

7 (2) (I) “DETENTION FACILITY” MEANS ANY BUILDING, FACILITY,
 8 OR STRUCTURE USED, IN WHOLE OR IN PART, TO HOUSE OR DETAIN INDIVIDUALS
 9 FOR CIVIL OR CRIMINAL VIOLATIONS.

10 (II) “DETENTION FACILITY” INCLUDES AN IMMIGRATION
 11 DETENTION FACILITY.

12 (III) “DETENTION FACILITY” DOES NOT INCLUDE A FACILITY:

13 1. A. THAT IS A HEALTH CARE FACILITY LICENSED
 14 UNDER TITLE 19 OF THE HEALTH – GENERAL ARTICLE; OR

15 B. THAT IS A RESIDENTIAL CHILD CARE PROGRAM OR
 16 CHILD PLACEMENT AGENCY LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY
 17 LAW ARTICLE; AND

18 2. WHOSE PRIMARY PURPOSE IS TO PROVIDE HEALTH
 19 CARE, TREATMENT, EDUCATION, OR REHABILITATION SERVICES.

20 (3) ~~“UNIT~~ “UNIT OF LOCAL GOVERNMENT” MEANS A COUNTY, A
 21 MUNICIPALITY, OR THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING
 22 COMMISSION.

23 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE
 24 OR A UNIT OF LOCAL GOVERNMENT MAY NOT APPROVE THE USE CONSTRUCTION OR
 25 OPERATION OF A BUILDING OR, STRUCTURE, OR OTHER REAL PROPERTY AS FOR AN
 26 ~~IMMIGRATION DETENTION FACILITY BY A PRIVATE ENTITY~~ TO BE USED BY A PRIVATE
 27 ENTITY AS A DETENTION FACILITY UNLESS THE IMMIGRATION DETENTION FACILITY
 28 ~~IS EXPRESSLY INCLUDED IN THE APPLICABLE ZONING AUTHORITY~~ BUILDING,
 29 STRUCTURE, OR OTHER REAL PROPERTY IS LOCATED IN A ZONE THAT EXPRESSLY
 30 AUTHORIZES IMMIGRATION PRIVATE DETENTION FACILITIES.

1 **(2) A GENERAL ZONING CLASSIFICATION AUTHORIZING**
 2 **GOVERNMENT, PUBLIC, OR INSTITUTIONAL USES DOES NOT CONSTITUTE EXPRESS**
 3 **AUTHORIZATION FOR A BUILDING ~~OR~~, STRUCTURE, OR OTHER REAL PROPERTY TO**
 4 **BE USED AS AN IMMIGRATION A DETENTION FACILITY BY A PRIVATE ENTITY.**

5 **(3) BEFORE ESTABLISHING A ZONING CLASSIFICATION AUTHORIZING**
 6 **PRIVATE DETENTION FACILITIES, THE STATE OR A UNIT OF LOCAL GOVERNMENT**
 7 **SHALL:**

8 **(I) CONSIDER:**

9 **1. CONSISTENCY WITH ANY COMPREHENSIVE PLAN FOR**
 10 **THE SURROUNDING AREA;**

11 **2. COMPATIBILITY WITH SURROUNDING LAND USES; AND**

12 **3. THE ABILITY OF LOCAL INFRASTRUCTURE TO**
 13 **ADEQUATELY SUPPORT A DETENTION FACILITY;**

14 **(II) PROVIDE NOTICE TO THE PUBLIC OF THE PROPOSED ZONING**
 15 **CLASSIFICATION AT LEAST 120 DAYS BEFORE ENACTING THE CLASSIFICATION; AND**

16 **(III) SOLICIT AND HEAR PUBLIC COMMENTS ON THE PROPOSED**
 17 **CLASSIFICATION IN AT LEAST TWO SEPARATE MEETINGS OPEN TO THE PUBLIC.**

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

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

26 **~~(1) INDIVIDUALS ARE INTENDED TO BE HELD BY A PRIVATE ENTITY~~**
 27 **~~FOR ANY STAGE OF PROCESSING FOR A FEDERAL IMMIGRATION VIOLATION;~~**

28 **~~(2)~~ INDIVIDUALS ARE INTENDED TO BE HELD IN INVOLUNTARY**
 29 **CUSTODY AND WILL NOT BE FREE TO LEAVE; OR**

30 **~~(2) (3) (2)~~ THE DESIGN, CONSTRUCTION, OR IMPROVEMENTS INCLUDE**
 31 **FEATURES CONSISTENT WITH SECURE OR INVOLUNTARY CONFINEMENT,**
 32 **INCLUDING:**

1 (I) PERIMETER SECURITY MEASURES DESIGNED TO PREVENT
2 OCCUPANTS FROM LEAVING;

3 (II) CONTROLLED ACCESS POINTS; OR

4 (III) LOCKED HOLDING AREAS.

5 ~~(D)~~ (E) (1) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO
6 ENFORCE THIS SECTION.

7 (2) THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR
8 PERMANENT INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A
9 VIOLATION OF THIS SECTION.

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

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

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That:

24 (a) Section 2 of this Act is contingent on any provision of § 1-103 of the
25 Correctional Services Article, as enacted by Section 1 of this Act, being rendered
26 unenforceable by a State or federal court as to any party in any litigation challenging the
27 validity of § 1-103 of the Correctional Services Article.

28 (b) As soon as practicable after the contingency described in subsection (a) of this
29 section occurring, but no later than 5 days after, the Office of the Attorney General shall
30 promptly notify the Department of Legislative Services.

31 (c) If notice of the contingency described in subsection (a) of this section is received
32 by the Department of Legislative Services on or before December 31, 2029, Section 2 of this

1 Act shall take effect on the date the notice is received by the Department of Legislative
2 Services in accordance with subsection (b) of this section.

3 (d) If notice of the receipt of the contingency described in subsection (a) of this
4 section is not received by the Department of Legislative Services on or before December 31,
5 2029, Section 2 of this Act, with no further action required by the General Assembly, shall
6 be null and void.

7 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in
8 Section 3 of this Act, this Act is an emergency measure, is necessary for the immediate
9 preservation of the public health or safety, has been passed by a yea and nay vote supported
10 by three-fifths of all the members elected to each of the two Houses of the General
11 Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.