

HOUSE BILL 1017

E5

EMERGENCY BILL

6lr3609
CF SB 984

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

Introduced and read first time: February 6, 2026

Assigned to: Government, Labor, and Elections

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 19, 2026

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
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
14 (2025 Replacement Volume)

15 BY adding to
16 Article – Correctional Services
17 Section 1–103
18 Annotated Code of Maryland
19 (2025 Replacement Volume)

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

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.



1 Article – Correctional Services

2 1–101.

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

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

7 1–103.

8 (A) IN THIS SECTION, “UNIT OF LOCAL GOVERNMENT” MEANS A COUNTY, A
9 MUNICIPALITY, OR THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING
10 COMMISSION.

11 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE
12 OR A UNIT OF LOCAL GOVERNMENT MAY NOT APPROVE THE USE CONSTRUCTION OR
13 OPERATION OF A BUILDING OR, STRUCTURE, OR OTHER REAL PROPERTY AS FOR AN
14 IMMIGRATION DETENTION FACILITY BY A PRIVATE ENTITY UNLESS THE
15 IMMIGRATION DETENTION FACILITY IS EXPRESSLY INCLUDED IN THE APPLICABLE
16 ZONING AUTHORITY BUILDING, STRUCTURE, OR OTHER REAL PROPERTY IS
17 LOCATED IN A ZONE THAT EXPRESSLY AUTHORIZES IMMIGRATION DETENTION
18 FACILITIES.

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

23 (B) A PRIVATE ENTITY MAY NOT OPERATE OR OCCUPY A BUILDING OR,
24 STRUCTURE, OR OTHER REAL PROPERTY AS AN IMMIGRATION DETENTION FACILITY
25 WITHOUT A USE AND OCCUPANCY AUTHORIZATION OR CHANGE IN USE AND
26 OCCUPANCY APPROVAL CONSISTENT WITH THIS SECTION.

27 (C) FOR PURPOSES OF THIS SECTION, A BUILDING OR, STRUCTURE, OR
28 OTHER REAL PROPERTY SHALL BE CONSIDERED PROPOSED FOR USE AS AN
29 IMMIGRATION DETENTION FACILITY, REGARDLESS OF HOW THE USE IS DESCRIBED
30 IN AN APPLICATION OR PERMIT REQUEST, IF:

31 (1) INDIVIDUALS ARE INTENDED TO BE HELD BY A PRIVATE ENTITY
32 FOR ANY STAGE OF PROCESSING FOR A FEDERAL IMMIGRATION VIOLATION;

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

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

6 **(I) PERIMETER SECURITY MEASURES DESIGNED TO PREVENT**
7 **OCCUPANTS FROM LEAVING;**

8 **(II) CONTROLLED ACCESS POINTS; OR**

9 **(III) LOCKED HOLDING AREAS.**

10 **(D) (1) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO**
11 **ENFORCE THIS SECTION.**

12 **(2) THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR**
13 **PERMANENT INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A**
14 **VIOLATION OF THIS SECTION.**

15 **(E) A PRIVATE ENTITY THAT OPERATES OR ATTEMPTS TO OPERATE AN**
16 **IMMIGRATION DETENTION FACILITY IN VIOLATION OF THIS SECTION IS SUBJECT TO**
17 **A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH DAY THE VIOLATION**
18 **CONTINUES.**

19 **(F) THE REMEDIES PROVIDED UNDER THIS SECTION ARE IN ADDITION TO**
20 **ANY OTHER REMEDY AVAILABLE UNDER STATE OR LOCAL LAW.**

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a ye and nay vote supported by three-fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.