

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1317 (Delegate Ivey)
 Government, Labor, and Elections

State Government - Data-Sharing Agreements and Personal Identifying Information - Prohibition and Reporting (Maryland Data Privacy and Federal Shield Act)

This bill prohibits, unless specifically required by State or federal law or a court order: (1) the State, a unit of local government, a county sheriff, or any other agency, officer, employee, or agent of the State or a unit of local government from providing personal identifying information to the federal government, including federal law enforcement agencies, and (2) the State or a unit of local government from providing information or assisting in the establishment or maintenance of a federal registry based on race, national origin, or religious affiliation, belief, or opinion. The bill also requires the Attorney General, by January 1, 2027, and annually thereafter, to submit a report on State data-sharing agreements with the federal government to the Governor and the General Assembly.

Fiscal Summary

State Effect: General fund expenditures increase by \$122,400 only in FY 2027 for contractual staff to produce the required report. Revenues are not affected.

| (in dollars) | FY 2027 | FY 2028 | FY 2029 | FY 2030 | FY 2031 |
|----------------|-------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 122,400 | 0 | 0 | 0 | 0 |
| Net Effect | (\$122,400) | \$0 | \$0 | \$0 | \$0 |

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The Attorney General’s report must (1) identify all current data-sharing agreements between the State or a unit of local government and the federal government; (2) determine whether the data-sharing agreement is in compliance with relevant State or federal privacy laws; and (3) if a data-sharing agreement is not in compliance with State or federal privacy laws, provide recommendations to bring the agreement into compliance.

“Personal identifying information” includes (1) citizenship or immigration status; (2) religious affiliation, belief, or opinion; and (3) biometric data, as defined under current law.

Current Law:

Criminal Justice Information System Central Repository – Generally

The Criminal Justice Information System Central Repository (CJIS-CR) is established by State law within the Department of Public Safety and Correctional Services to collect, manage, and disseminate Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. For national records’ checks, CJIS-CR collects a fee and submits the requests for national information to the Federal Bureau of Investigation electronically. As submissions to CJIS are governed by State and federal law, they are likely not affected by the bill.

Regional Automated Property Information Database

Chapter 562 of 2009 established electronic reporting requirements for secondhand precious metal object dealers, thereby repealing the authorization that allowed dealers to mail or submit paper transaction records to law enforcement. The State uses the Regional Automated Property Information Database (RAPID) system to transmit acquisition information from secondhand precious metal object dealers to local, State, and federal law enforcement through an Internet interface. RAPID enables police departments statewide to immediately gain access to timely information about property that has been sold to pawnbrokers, precious metal dealers, or vehicle salvage yards.

287(g) Agreements and Immigration Detainers

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.

Maryland Online Data Privacy Act

Chapters 454 and 455 of 2024 (the Maryland Online Data Privacy Act of 2024) establish new consumer protections and rights, as well as disclosure obligations, relating to online personal data controlled or processed by certain entities that conduct business in the State or provide services or products that are targeted to residents of the State. Violation of the Maryland Online Data Privacy Act is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA’s civil and criminal penalty provisions.

Under the Acts, a “controller” means a person that, alone or jointly with others, determines the purpose and means of processing personal data. “Personal data” means any information that is linked (or can be reasonably linked) to an identified or identifiable consumer. Among other requirements, a controller must limit the collection of personal data to what is reasonably necessary and proportionate to provide or maintain a specific product or service requested by the consumer to whom the data pertains.

State Expenditures: The Office of the Attorney General (OAG) advises that it cannot complete the required report with existing staff. As a result, OAG advises that one full-time assistant attorney general is needed to produce the required annual reports. The Department of Legislative Services agrees in part and notes that the additional workload resulting from the bill is most burdensome in the first year, as OAG compiles the necessary information and produces the initial annual report, and that future submissions will likely require minor adjustments.

Therefore, general fund expenditures increase by \$122,433 in fiscal 2027, which accounts for the bill’s October 1, 2026 effective date. This estimate reflects the cost of hiring one temporary contractual assistant attorney general to research existing data-sharing

agreements between State entities and the federal government and submit the first annual report required under the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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|---|------------------|
| Contractual Position | 1.0 |
| Salaries and Fringe Benefits | \$113,292 |
| Operating Expenses | <u>9,141</u> |
| Total FY 2027 State Expenditures | \$122,433 |

This estimate reflects the termination of the contractual position on June 30, 2027, following the submission of the first annual report on January 1, 2027. OAG can submit subsequent reports with existing resources.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

State entities can submit information to OAG with existing resources.

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Baltimore City; Frederick, Harford, and Prince George’s counties; Maryland Municipal League; Office of the Attorney General; Comptroller’s Office; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; University System of Maryland; Morgan State University; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Baltimore City Public Schools; Baltimore County Public Schools Department of Legislative Services

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