

# HOUSE BILL 1635

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By: **Delegate Alston**

Introduced and read first time: February 25, 2026

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Detention by Private Entities – Prohibition**

3 FOR the purpose of prohibiting certain governmental entities or a company acting under a  
4 contract with certain governmental entities from taking certain actions relating to a  
5 detention facility owned, managed, or operated by a private entity; and generally  
6 relating to detention of individuals by private entities in Maryland.

7 BY adding to

8 Article – Correctional Services

9 Section 1–202

10 Annotated Code of Maryland

11 (2025 Replacement Volume)

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

14 **Article – Correctional Services**

15 **1–202.**

16 **(A) THE GENERAL ASSEMBLY FINDS THAT THE MANAGEMENT AND**  
17 **OPERATION OF A DETENTION FACILITY INVOLVES FUNCTIONS THAT ARE**  
18 **INHERENTLY GOVERNMENTAL AND THAT SUCH FUNCTIONS REQUIRE THE EXERCISE**  
19 **OF COERCIVE POLICE POWERS OVER INDIVIDUALS WHICH SHOULD NOT BE**  
20 **DELEGATED TO THE PRIVATE SECTOR AND ARE DISTINGUISHABLE FROM**  
21 **PRIVATIZATION IN OTHER AREAS OF GOVERNMENT.**

22 **(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
23 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “DETENTION FACILITY” INCLUDES:**

2                   **(I) A CORRECTIONAL FACILITY;**

3                   **(II) AN IMMIGRATION DETENTION FACILITY; OR**

4                   **(III) ANY OTHER FACILITY USED TO DETAIN INDIVIDUALS.**

5           **(3) (I) “ANCILLARY SERVICES” INCLUDE:**

6                           **1. EDUCATION SERVICES;**

7                           **2. MEDICAL SERVICES; AND**

8                           **3. MAINTENANCE SERVICES.**

9                   **(II) “ANCILLARY SERVICES” DO NOT INCLUDE FOOD SERVICES.**

10           **(C) THIS SECTION DOES NOT APPLY TO A CONTRACT TO PROVIDE**  
11 **ANCILLARY SERVICES AT A DETENTION FACILITY.**

12           **(D) THE FEDERAL GOVERNMENT, THE STATE, A UNIT OF LOCAL**  
13 **GOVERNMENT, A COUNTY SHERIFF, AN AGENCY, OFFICER, EMPLOYEE, OR AGENT OF**  
14 **THE STATE OR A UNIT OF LOCAL GOVERNMENT, OR A COMPANY ACTING IN**  
15 **ACCORDANCE WITH A CONTRACT WITH THE FEDERAL GOVERNMENT, THE STATE, A**  
16 **UNIT OF LOCAL GOVERNMENT, OR A COUNTY SHERIFF MAY NOT:**

17                   **(1) ENTER INTO AN AGREEMENT OF ANY KIND FOR THE DETENTION**  
18 **OF INDIVIDUALS IN A DETENTION FACILITY OWNED, MANAGED, OR OPERATED, IN**  
19 **WHOLE OR IN PART, BY A PRIVATE ENTITY;**

20                   **(2) PAY, REIMBURSE, SUBSIDIZE, OR DEFRAY IN ANY WAY ANY COSTS**  
21 **RELATED TO THE SALE, PURCHASE, CONSTRUCTION, DEVELOPMENT, OWNERSHIP,**  
22 **MANAGEMENT, OR OPERATION OF A DETENTION FACILITY THAT IS OR WILL BE**  
23 **OWNED, MANAGED, OR OPERATED, IN WHOLE OR IN PART, BY A PRIVATE ENTITY;**

24                   **(3) RECEIVE ANY PAYMENT RELATED TO THE DETENTION OF**  
25 **INDIVIDUALS IN A DETENTION FACILITY OWNED, MANAGED, OR OPERATED, IN**  
26 **WHOLE OR IN PART, BY A PRIVATE ENTITY; OR**

27                   **(4) OTHERWISE GIVE A FINANCIAL INCENTIVE OR BENEFIT TO A**  
28 **PRIVATE ENTITY OR PERSON IN CONNECTION WITH THE SALE, PURCHASE,**  
29 **CONSTRUCTION, DEVELOPMENT, OWNERSHIP, MANAGEMENT, OR OPERATION OF A**

1 DETENTION FACILITY THAT IS OR WILL BE OWNED, MANAGED, OR OPERATED, IN  
2 WHOLE OR IN PART, BY A PRIVATE ENTITY.

3 (E) THE STATE, A UNIT OF LOCAL GOVERNMENT, OR AN AGENCY, OFFICER,  
4 EMPLOYEE, OR AGENT OF THE STATE OR A UNIT OF LOCAL GOVERNMENT MAY NOT  
5 APPROVE A ZONING VARIANCE OR ISSUE A PERMIT FOR THE CONSTRUCTION OF A  
6 BUILDING OR THE REUSE OF EXISTING BUILDINGS OR STRUCTURES BY ANY PRIVATE  
7 ENTITY FOR USE AS A DETENTION FACILITY.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2026.