

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 309
Judiciary

(Delegate Stewart)

Judicial Facilities - Stops, Detentions, and Arrests - Limitations

This bill, with specified exceptions, prohibits a “person” from stopping, detaining, or arresting an individual for an alleged or adjudicated offense that is subject only to a civil penalty while the individual is in a “judicial facility” or is traveling within one mile of a judicial facility for the purpose of attending a meeting, a hearing, or another official proceeding in the facility unless the person (1) provides prior notice to the presiding judge or court administrator and (2) makes the stop, detention, or arrest in a manner that does not disrupt proceedings or deter access to justice by any individual. Evidence obtained as a result of a violation of the bill’s provisions is inadmissible against the individual stopped, detained, or arrested in any proceeding over which a State court or State or local entity has jurisdiction. An individual stopped, detained, or arrested in violation of the bill’s provisions may bring an action against a person responsible, and the court may award damages, injunctive relief, and attorney’s fees and court costs. The Attorney General may bring a civil action to enjoin a person from committing a violation of the bill’s provisions. Further, the bill states that it is the intention of the General Assembly that the bill must supplement the protections provided under Chapter 718 of 2025.

Fiscal Summary

State Effect: The bill’s changes are not anticipated to materially affect State finances.

Local Effect: The bill’s changes are not anticipated to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill does not apply to a stop, detention, or arrest:

- relating to a suspected criminal offense;
- made in accordance with a valid warrant;
- made in accordance with provisions in the Courts and Judicial Proceedings Article relating to taking a child into custody or orders controlling the conduct of a person before a court;
- for contempt of court;
- made in order to conduct an examination of a defendant by the Maryland Department of Health in accordance with provisions in the Criminal Procedure Article;
- made in accordance with involuntary admissions relating to mental health under the Health-General Article; or
- otherwise authorized under State law.

“Judicial facility” means a courthouse, an administrative hearing facility, or other location or space, whether owned or leased by a State or local governmental entity, used for judicial or quasi-judicial proceedings. “Judicial facility” includes any pathway, hallway, parking lot or structure, grounds, or other area within 1,000 feet of a courthouse, an administrative hearing facility, or other location used for judicial or quasi-judicial proceedings.

“Person” includes a law enforcement agency, law enforcement officer, and any other government agency or government agent.

Current Law: Chapter 718 of 2025 requires (1) a federal law enforcement officer to notify specified individuals regarding a federal immigration enforcement action at a “sensitive location” and (2) a public school, a public library, or a unit of the Executive Branch of State or local government that operates at a sensitive location to deny access to any portion of the sensitive location that is not accessible to the general public to any individual seeking to enforce federal immigration law, unless the individual presents a valid judicial warrant or exigent circumstances exist (without applicability to a State or local correctional facility or a detention facility in a District Court or circuit court location).

Attorney General Guidance: Chapter 718 also requires the Attorney General to develop and publish guidance that informs the public and relevant State agencies about:

- delineating between immigration enforcement within the public portions of sensitive locations and the nonpublic or private portions of sensitive locations;

- verifying the identity of immigration enforcement agents and validating immigration enforcement documentation seeking specific individuals;
- limiting liability exposure for State, local, and private institutions and the participation of the employees of those institutions in immigration enforcement at sensitive locations;
- facilitating relationships between federal law enforcement officers and State and local officials and law enforcement officers in order to conduct immigration enforcement activities through the least dangerous and disruptive means; and
- complying with existing legal obligations and limitations on State and local agencies while maintaining public safety and accessibility to those agencies.

Private entities are encouraged to adopt policies consistent with the guidance developed by the Attorney General if the private entities provide services related to (1) physical or mental health; (2) education; (3) shelter care; or (4) access to justice.

The required guidance and policies are not subject to the Administrative Procedure Act under Title 10, Subtitles 1, 2, and 3 of the State Government Article.

Governmental Entity Procedures: Pursuant to Chapter 718, each public school, public library, and unit of the Executive Branch of State or local government that operates a sensitive location must implement a policy consistent with the guidance issued by the Attorney General.

By July 1, 2026, each governmental entity must (1) in consultation with the Department of Information Technology, develop and publish procedures that prevent the sale and redisclosure of personal records and geolocation data provided or made available by the governmental entity in a way that harms the privacy of residents of the State and (2) submit a copy of the procedures developed to the General Assembly. The procedures must specifically address:

- any possible contractual limitations on the sale or redisclosure of personal records or geolocation data that a governmental entity may place on a person who receives personal records or geolocation data that are provided or made available by the governmental entity;
- considerations regarding (1) the threat to privacy posed by data brokers who utilize personal records or geolocation data for commercial purposes; (2) the risk that personal records or geolocation data may be used for purposes other than the purposes for which the personal records or geolocation data were developed or collected; and (3) geolocation, genetic, and other sensitive data; and

- any other considerations necessary to (1) protect the privacy of residents of the State; (2) discourage the development of a secondary commercial market for personal records or geolocation data that are provided or made available by a governmental entity; (3) and limit a person who receives personal records or geolocation data that are provided or made available by a governmental entity from selling or redisclosing the data with other persons.

Definitions

“Sensitive location” means:

- a public school;
- a public library;
- a health care facility operated by a unit of State or local government;
- a facility operated by the Comptroller;
- a courthouse; or
- any other location that (1) provides State-funded services related to physical or mental health, education, shelter care, or access to justice and (2) as determined by the Attorney General, requires special consideration for immigration enforcement activities.

“Collateral immigration enforcement” means federal immigration enforcement actions that affect individuals who are not the primary target of the enforcement action but are present at the location of the enforcement action.

“Immigration enforcement” means federal immigration enforcement actions.

Additional Information

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

Designated Cross File: None.

Information Source(s): Frederick, Harford, Montgomery, and Prince George’s counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of State Police; Department of Legislative Services

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jg/jkb

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