

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 495
Judiciary

(Delegate Rosenberg)

Criminal Procedure - Immigration Arrest - Immunity in Connection With Court Proceeding

This bill establishes immunity from immigration arrest, under specified circumstances, for an individual who is duly and in good faith attending a court proceeding in which the individual is a party or potential witness, or a family member or household member of a party or potential witness, unless the immigration arrest is authorized by a valid judicial warrant. A person may not make an immigration arrest in violation of these provisions. Generally, a violator is guilty of a misdemeanor and subject to up to one year imprisonment and/or a maximum fine of \$1,000; however, if the violation results in serious bodily injury, a violator is guilty of a felony and subject to up to four years imprisonment and/or a maximum fine of \$5,000. An individual may bring an action for declaratory relief, injunctive relief, and reasonable attorney's fees and court costs if the individual has been or has reasonable grounds to believe that the individual will be subject to an immigration arrest in violation of the bill's provisions. The Attorney General may bring an action on behalf of the State or as *parens patriae* on behalf of persons residing in the State who have been or who the Attorney General has reasonable grounds to believe may be subject to immigration arrest in violation of the bill's provisions, as specified.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. General fund expenditures may increase, potentially beginning as early as FY 2027, to the extent that the Office of the Attorney General (OAG) uses its authority under the bill, as discussed below.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: The immunity established under the bill applies while the individual is going to, remaining at, or returning from the location of the court proceeding.

The bill may not be construed to prohibit a law enforcement officer or agent or employee of a court from acting in good faith to maintain public safety in a courthouse.

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; and (3) 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.

State Expenditures: OAG anticipates the need for one assistant Attorney General and one paralegal, with estimated personnel expenditures of approximately \$272,000 on an annual basis.

The Department of Legislative Services acknowledges that general fund expenditures *may* increase if litigation is pursued by OAG under the authority of the bill. However, it is unclear at this time (and without experience under the bill) the extent to which additional permanent staff may be required. To the extent additional staff are needed, OAG can request additional resources through the annual budget process.

Additional Information

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

Designated Cross File: None.

Information Source(s): Anne Arundel and Harford counties; Office of the Attorney General; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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