

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 791

(Senator Lam)

Judicial Proceedings

Judiciary

**Correctional Services and Public Safety – Immigration Enforcement –
Prohibitions (Community Trust Act)**

This bill prohibits, with specified exceptions, a local correctional facility from taking specified actions relating to immigration enforcement. In addition, without application to the Baltimore City Detention Center (BCDC) and the centralized booking facility in Baltimore City operated by the Division of Pretrial Detention and Services (DPDS) in the Department of Public Safety and Correctional Services (DPSCS), the bill requires a State correctional facility to provide written notice to federal immigration authorities of the release of an individual who is the subject of an active immigration detainer within 48 hours before the release of the individual. The bill authorizes (1) the Attorney General or an individual who has been subjected to a violation of the bill's provisions to bring a civil action to enforce the bill's provisions and (2) the court to issue temporary, preliminary, or permanent injunctive relief to prevent an act that would constitute a violation of the bill's provisions. Further, the bill prohibits, with specified exceptions, a law enforcement agent, during the performance of regular police functions from providing federal immigration authorities with information about an individual obtained in the course of the law enforcement agent's duties unless required by a valid court order. Finally, the bill authorizes a District Court commissioner or a judge determining whether to grant pretrial release or set bond or bail for a defendant charged with a felony to consider the existence of an immigration detainer.

Fiscal Summary

State Effect: Potential decrease in federal fund revenues should the bill's provisions be deemed out of compliance with federal law. State expenditures are not anticipated to be affected.

Local Effect: Potential decrease in federal fund revenues if local governments are deemed out of compliance with federal law. Local expenditures are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifically prohibits a local correctional facility from detaining or prolonging the detention of an individual for the purpose of investigating the individual's citizenship or immigration status, based on the suspicion that the individual has committed a civil immigration violation, or at the request of federal immigration authorities unless presented with a valid judicial warrant. In addition, without application to a "covered individual," the bill prohibits a local correctional facility from: (1) inquiring about or investigating an individual's citizenship, immigration status, or place of birth; (2) notifying federal immigration authorities that an individual is in custody unless required by a valid court order or judicial warrant; (3) transferring an individual to federal immigration authorities unless presented with a valid judicial warrant; or (4) coercing, intimidating, or threatening an individual based on the actual or perceived citizenship or immigration status of the individual or any other person. These prohibitions do not prevent a local correctional facility from inquiring about information that is material to a routine booking procedure or entering information into the National Crime Information Center (NCIC). In addition, if the citizenship or immigration status of an individual is relevant to a protection accorded to the individual under State or federal law, or subject to a requirement imposed by international treaty a local correctional facility may notify the individual of the protection or requirement or provide the individual with an opportunity to voluntarily disclose the individual's citizenship or immigration status for the purpose of receiving the protection or complying with the requirement.

"Civil immigration violation" means a violation of federal civil immigration law.

"Court order" does not include a document issued by the U.S. Department of Homeland Security (DHS), the U.S. Department of Justice (DOJ), or any successor agency.

"Covered individual" means an individual who has been convicted of: (1) a felony under the laws of this State; (2) an offense for which registration as a sex offender is required; or (3) an offense for which the individual was sentenced to a term of incarceration to be served at a State correctional facility; or (4) an offense in another state for which the individual was sentenced to at least five years of incarceration and the individual completed at least five years of incarceration of that sentence.

"Immigration detainer" means a written or electronic request issued by a federal immigration authority to request that another law enforcement agency detain a person that is (1) based on probable cause to believe that the person to be detained is a removable alien

under federal immigration law; and (2) accompanied by a form I-205 warrant of removal/deportation or a successor form.

“Judicial warrant” does not include a document issued by DHS, DOJ, or any successor agency.

“Local correctional facility” includes BCDC and the centralized booking facility in Baltimore City that is operated by DPDS in DPSCS.

Current Law:

Immigration Enforcement

While immigration is controlled by federal law, the U.S. Immigration, Customs, and Enforcement Division (ICE) and DHS have initiated numerous programs that involve state and local law enforcement agencies as allies and additional resources. For example, the Criminal Alien Program (CAP) supports ICE Enforcement and Removal Operations in executing its mission through the arrest and removal of undocumented immigrants who threaten the safety of the nation’s communities and the integrity of U.S. immigration laws. CAP focuses on the identification, arrest, and removal of incarcerated undocumented immigrants at federal, state, and local levels, as well as at-large criminal undocumented immigrants.

Federal law does not mandate that state and local law enforcement agencies become involved in immigration efforts. However, federal law does prohibit a state or local government from prohibiting or in any way restricting any government entity or official from sending to or receiving from ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual. It also prohibits restrictions on any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (1) sending such information to, or requesting or receiving such information from, ICE; (2) maintaining such information; or (3) exchanging such information with any other federal, state, or local government authority.

Immigration Status and Law Enforcement Agents

Among other prohibitions, Chapter 19 of the 2021 special session prohibits a law enforcement agent, during the performance of regular police functions from (1) inquiring about an individual’s citizenship, immigration status, or place of birth during a stop, a search, or an arrest; (2) detaining, or prolonging the detention of an individual for the purpose of investigating the individual’s citizenship or immigration status, or based on the suspicion that the individual has committed a civil immigration violation; (3) transferring an individual to federal immigration authorities unless required by federal law; or

(4) coercing, intimidating, or threatening any individual based on the actual or perceived citizenship or immigration status of the individual or specified individuals that are generally related to the individual.

Nothing in the provisions prevent a law enforcement agent from inquiring about any information that is material to a criminal investigation.

If the citizenship or immigration status of an individual is relevant to a protection accorded to the individual under State or federal law, or subject to a requirement imposed by international treaty, a law enforcement agent may (1) notify the individual of the protection or requirement and (2) provide the individual an opportunity to voluntarily disclose the individual's citizenship or immigration status for the purpose of receiving the protection or complying with the requirement.

“Civil immigration violation” means a violation of federal civil immigration law.

“Law enforcement agent” means an individual who is certified by the Maryland Police Training and Standards Commission. “Law enforcement agent” does not include an agent or employee of a State correctional facility or local correctional facility. “Arrest” does not include a routine booking procedure.

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.

State/Local Fiscal Effect: Pursuant to an [executive order dated January 20, 2025](#), President Trump directed the U.S. Attorney General and the Secretary of Homeland Security, to the maximum extent possible under law, to evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of federal law enforcement operations, do not receive access to federal funds. Accordingly, federal fund revenues may decrease significantly if the bill’s provisions are deemed as noncompliant with federal law.

Additional Comments: BCDC was closed in 2015 and demolition of the facility was completed in 2021.

NCIC is a secure, computerized database that provides federal, state, and local law enforcement agencies with real-time data on wanted persons, stolen property, and criminal histories. Access is strictly restricted to criminal justice agencies and authorized users through networks approved by the Federal Bureau of Investigation.

Additional Information

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

Designated Cross File: HB 1575 (Delegate Phillips, *et al.*) - Judiciary.

Information Source(s): Baltimore, Carroll, Harford, and St. Mary’s counties; Judiciary (Administrative Office of the Courts); Office of the Attorney General; U.S. Department of Homeland Security; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2026
caw/hlb Third Reader - April 11, 2026
Revised - Amendment(s) - April 11, 2026

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510