

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 810

(Senator King, *et al.*)

Education, Energy, and the Environment and
Judicial Proceedings

Judiciary and Ways and Means

Immigration Enforcement - Expanding Sensitive Locations, Notification, and
Guidance (Maryland Values Act of 2026)

This emergency bill requires public school personnel to notify the county superintendent of an affected school or the county superintendent’s designee if the school personnel is notified of immigration enforcement in a sensitive location that includes a school. The bill prohibits public school personnel from (1) being used at a public school for purposes of or otherwise engaging in immigration enforcement, as specified or (2) producing or sharing information or a document pertaining to student educational records or employee personnel records or any other information about or from a student, a public school employee, or a student’s or a public school employee’s family or household for purposes of immigration enforcement. Public school personnel must immediately contact the county superintendent or the county superintendent’s designee and legal counsel for the local school system if presented with a judicial warrant, judicial subpoena, or a legal order for the production of information or a document pertaining to student educational records or employee personnel records or any other information about or from a student, a public school employee, or a student’s or a public school employee’s family or household for purposes of immigration enforcement. These provisions must be construed consistently with any applicable federal and State privacy laws. In addition, the bill requires the Attorney General, by October 1 each year beginning in 2026, to update specified guidance relating to sensitive locations and immigration enforcement (without altering the October 1, 2025, requirement for specified entities to implement the policy). Further, the bill alters specified terms.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State government finances.

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

Small Business Effect: None.

Analysis

Bill Summary:

Sensitive Locations: The bill expands the portion of a sensitive location for which a public school, a public library, or a unit of the Executive Branch of the State or local government must deny access, absent a valid warrant, as specified, or the existence of exigent circumstances, to include a portion of the sensitive location that requires a security screening.

Private Entities: Private entities are encouraged to adopt policies consistent with the guidance developed by the Attorney General relating to sensitive locations if the private entities provide services related to distributing food to individuals in need.

Definitions: “Public school personnel” means:

- a school resource officer (SRO);
- a school security employee;
- a principal or an assistant principal;
- a teacher;
- a school counselor;
- an individual employed by a public school for at least seven days each school year; or
- a law enforcement officer who: (1) is not directly assigned to or employed by a public school; (2) has not completed the Maryland Center for School Safety (MCSS) SRO and School Security Employee Training Academy; and (3) provides adequate law enforcement coverage to public schools in accordance with an agreement between the local law enforcement agency and the local school system.

The definition for “federal law enforcement officer” is reclassified to instead define the term “judicial officer.” The bill substitutes the term in describing the powers that a judicial officer may exercise in the State.

The definition of “sensitive location” relating to a public school is expanded to include a designated school bus stop or a school vehicle, as specified, and specified locations that distribute food to individuals in need.

Current Law: An “SRO” is defined as:

- a law enforcement officer who has been assigned to a school in accordance with a memorandum of understanding (MOU) between the chief law enforcement agency and local school system; or
- a Baltimore City school police officer.

“School security employee” means an individual, as defined in regulations adopted by the School Safety Subcabinet, who is not an SRO and is employed by a local school system to provide safety and security-related services at a public school.

A Baltimore City school police officer is a person who, when acting in an official capacity, is a member of the Baltimore City School Police Force established in statute and who is authorized by law to make arrests. In general, a Baltimore City school police officer may act in an official capacity only on the premises of a Baltimore City school or under other specified circumstances. When acting in an official capacity, a Baltimore City school police officer has all the powers of a law enforcement officer in the State. Members of the Baltimore City School Police Force are employees of and appointed by the Baltimore City Board of School Commissioners. During school days, Baltimore City school police officers are authorized to carry weapons on the premises of a school to which they are assigned *only* before or after regular school hours; they are also authorized to carry weapons on the premises of a school to which they are assigned on days other than school days.

Maryland Safe to Learn Act

Under Chapter 30 of 2018 (the Maryland Safe to Learn Act), MCSS developed, in consultation with local school systems, a specialized curriculum to be used in training SROs and school security employees that addresses specified issues. The curriculum was submitted to and approved by the Maryland Police Training and Standards Commission.

Each local school system must annually file a report with MCSS that identifies (1) the public schools that have an SRO assigned and (2) if no SRO is assigned to a public school, the adequate local law enforcement coverage that will be provided to the school. MCSS must submit annual summaries of the SRO/law enforcement coverage reports it receives to the Governor and General Assembly. MCSS must also collect and report annually data on specified incidents of use of force involving SROs or school security employees.

Beginning in fiscal 2020 and each year thereafter, the Governor must include in the budget \$10.0 million to provide grants to local school systems and law enforcement agencies to meet the SRO/law enforcement coverage requirements. Grants must be made based on the proportion of public schools in each jurisdiction and may be used for school security employees.

Immigration Enforcement

While immigration is controlled by federal law, the U.S. Immigration, Customs, and Enforcement Division (ICE) and Department of Homeland Security 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.

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 MOU 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.

Immigration Enforcement in Sensitive Locations

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

“Federal law enforcement officer” means an officer who may (1) make an arrest with or without a warrant for violations of the United States Code and (2) carry firearms in the performance of the officer’s duties.

“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: HB 1341 (Delegate Ebersole, *et al.*) - Judiciary and Ways and Means.

Information Source(s): Maryland State Department of Education; Maryland Center for School Safety; Department of Legislative Services

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