

SENATE BILL 985

E5

EMERGENCY BILL

6lr3702
CF HB 1018

By: **Senator Smith**

Introduced and read first time: February 15, 2026

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Immigration Detention Facilities – Minimum Mandatory**
3 **Standards**

4 FOR the purpose of requiring the Secretary of Public Safety and Correctional Services to
5 adopt regulations establishing certain minimum mandatory standards governing the
6 care, custody, and conditions of civil detainees in immigration detention facilities;
7 altering certain duties of and prohibitions on the actions of the Maryland
8 Commission on Correctional Standards relating to correctional facilities and
9 immigration detention facilities, including reporting requirements, receiving and
10 reviewing reported violations of minimum mandatory standards, submitting an
11 annual certification to the Commission related to utilities and emergency
12 preparedness, and inspecting facilities; requiring certain health care practitioners
13 and security guards to report certain violations and security breaches to the
14 Commission; requiring a regulating body to take appropriate disciplinary action if a
15 health care practitioner or a security guard fails to report a certain violation;
16 applying certain compliance, audit, and enforcement provisions to immigration
17 detention facilities; authorizing the Attorney General to bring a certain action
18 against a private entity that owns, manages, or operates a correctional facility or an
19 immigration detention facility for certain violations; authorizing the Commission to
20 cease operation of an immigration detention facility that is life-threatening or
21 health-endangering; requiring a certain State, local governing body, or federal entity
22 to pay the expense incurred by transferring certain individuals from a closed facility;
23 authorizing the Commission to establish an advisory board on immigration detention
24 facilities; and generally relating to State oversight of correctional facilities and
25 immigration detention facilities.

26 BY repealing and reenacting, without amendments,
27 Article – Correctional Services
28 Section 1–101(a), (d), (j) through (l), and (q) and 8–106
29 Annotated Code of Maryland
30 (2025 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Correctional Services
3 Section 8–101 through 8–103, 8–105, 8–110, and 8–112 through 8–116
4 Annotated Code of Maryland
5 (2025 Replacement Volume)

6 BY adding to
7 Article – Correctional Services
8 Section 8–111.1, 8–111.2, and 8–114.1
9 Annotated Code of Maryland
10 (2025 Replacement Volume)

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

13 **Article – Correctional Services**

14 1–101.

15 (a) In this article the following words have the meanings indicated.

16 (d) “Correctional facility” means a facility that is operated for the purpose of
17 detaining or confining adults who are charged with or found guilty of a crime.

18 (j) “Immigration detention facility” means any building, facility, or structure
19 used, in whole or in part, to house or detain individuals for federal civil immigration
20 violations.

21 (k) “Incarcerated individual” means an individual who is actually or
22 constructively detained or confined in a correctional facility.

23 (l) “Local correctional facility” means a correctional facility that is operated:

24 (1) by one or more counties; or

25 (2) by a municipal corporation.

26 (q) (1) “State correctional facility” means a correctional facility that is
27 operated by the State.

28 (2) “State correctional facility” includes:

29 (i) the Patuxent Institution;

30 (ii) the Baltimore City Detention Center; and

1 (iii) the centralized booking facility in Baltimore City that is operated
2 by the Division of Pretrial Detention and Services in the Department of Public Safety and
3 Correctional Services.

4 8–101.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Approved standards” means the standards described in § 8–103(b) of this
7 subtitle.

8 (C) **“BREACH OF THE SECURITY OF A SYSTEM” MEANS THE UNAUTHORIZED**
9 **ACQUISITION OF COMPUTERIZED DATA THAT COMPROMISES THE SECURITY,**
10 **CONFIDENTIALITY, OR INTEGRITY OF PERSONAL IDENTIFYING INFORMATION**
11 **MAINTAINED IN THE SYSTEM.**

12 (D) **“CIVIL DETAINEE” MEANS AN INDIVIDUAL WHO IS ACTUALLY OR**
13 **CONSTRUCTIVELY DETAINED OR CONFINED IN AN IMMIGRATION DETENTION**
14 **FACILITY.**

15 [(c)] (E) “Commission” means the Maryland Commission on Correctional
16 Standards.

17 (F) **“LICENSED HEALTH CARE PRACTITIONER” MEANS AN INDIVIDUAL**
18 **LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A HEALTH**
19 **OCCUPATION UNDER THE HEALTH OCCUPATIONS ARTICLE.**

20 [(d)] (G) “Minimum mandatory standards” means the standards described in §
21 8–103(a) of this subtitle.

22 (H) **“PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING STATED IN**
23 **§ 8–301 OF THE CRIMINAL LAW ARTICLE.**

24 8–102.

25 The General Assembly finds that there is a need to improve the method of:

26 (1) establishing standards for correctional facilities, **IMMIGRATION**
27 **DETENTION FACILITIES,** and programs [and of]; **AND**

28 (2) ensuring compliance with these standards to better protect the health,
29 safety, and welfare of the public by reducing incidents of crime.

30 8–103.

1 (a) (1) With the advice of the Commission, the Secretary shall adopt
2 regulations that establish minimum mandatory standards applicable to:

3 (I) security and **CONTROL OF** incarcerated [individual control,
4 incarcerated individual] **INDIVIDUALS AND CIVIL DETAINEES;**

5 (II) safety[, incarcerated individual] **OF INCARCERATED**
6 **INDIVIDUALS AND CIVIL DETAINEES, INCLUDING LIFE AND FIRE SAFETY;**

7 (III) food services[, incarcerated individual] **FOR INCARCERATED**
8 **INDIVIDUALS AND CIVIL DETAINEES;**

9 (IV) housing and sanitation[, incarcerated] **FOR INCARCERATED**
10 **INDIVIDUALS AND CIVIL DETAINEES, INCLUDING MAXIMUM OCCUPANCY**
11 **RESTRICTIONS;**

12 (V) individual rights[, classification, hearings,] **AND HEARINGS**
13 **FOR INCARCERATED INDIVIDUALS AND CIVIL DETAINEES;**

14 (VI) **CLASSIFICATION**, victim notification, **AND** restitution, **AS**
15 **APPLICABLE TO INCARCERATED INDIVIDUALS AND CIVIL DETAINEES;** and

16 (VII) administrative record keeping **FOR INCARCERATED**
17 **INDIVIDUALS AND CIVIL DETAINEES.**

18 (2) The minimum mandatory standards adopted under paragraph (1) of
19 this subsection shall apply to all State and local correctional facilities **AND IMMIGRATION**
20 **DETENTION FACILITIES LOCATED IN THE STATE.**

21 (b) (1) With the advice of the Commission, the Secretary shall adopt
22 regulations that establish approved standards applicable to personnel, training,
23 administration, management, planning and coordination, research and evaluation,
24 physical plant, special management incarcerated individuals, rules and discipline, mail and
25 visiting, reception and orientation, property control, work programs, educational and
26 vocational training, library services, religious services, recreational activities, counseling,
27 release preparation, and volunteers.

28 (2) The approved standards adopted under paragraph (1) of this
29 subsection:

30 (i) shall apply to all State correctional facilities; and

31 (ii) may be adopted, as a whole or in part, by a local correctional
32 facility.

1 (c) The standards adopted under this section shall be consistent with federal and
2 State law.

3 8–105.

4 The standards adopted under § 8–103 of this subtitle shall be enforced as provided
5 under §§ 8–112 through [8–114] **8–114.1** of this subtitle.

6 8–106.

7 There is a Maryland Commission on Correctional Standards in the Department.

8 8–110.

9 (a) **(1)** The Commission shall report annually to the Governor and, subject to
10 § 2–1257 of the State Government Article, to the General Assembly on the activities of the
11 Commission.

12 **(2) THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION SHALL INCLUDE:**

14 **(I) A DETAILED ANALYSIS OF COMPLIANCE ISSUES AT**
15 **CORRECTIONAL FACILITIES AND IMMIGRATION DETENTION FACILITIES; AND**

16 **(II) RECOMMENDATIONS TO ADDRESS COMPLIANCE ISSUES**
17 **IDENTIFIED UNDER ITEM (I) OF THIS PARAGRAPH.**

18 **(3) THE REPORT PROVIDED UNDER THIS SECTION MAY NOT DISCLOSE**
19 **PERSONAL IDENTIFYING INFORMATION OF AN INCARCERATED INDIVIDUAL OR A**
20 **CIVIL DETAINEE.**

21 (b) The Commission shall provide the Secretary and the governing body of each
22 county and municipal corporation that has a correctional facility **OR AN IMMIGRATION**
23 **DETENTION FACILITY** with a copy of its annual report.

24 **8–111.1.**

25 **(A) (1) ANY PERSON MAY REPORT A VIOLATION OF THE MINIMUM**
26 **MANDATORY STANDARDS BY A CORRECTIONAL FACILITY OR AN IMMIGRATION**
27 **DETENTION FACILITY TO THE COMMISSION.**

28 **(2) THE COMMISSION SHALL ESTABLISH A STANDARDIZED PROCESS**
29 **FOR THE REPORTING, RECEIPT, AND TIMELY REVIEW OF REPORTED VIOLATIONS**
30 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1 **(3) (I) THE DEPARTMENT SHALL PROVIDE AND MAINTAIN A LINK**
2 **ON THE COMMISSION'S WEBSITE FOR THE PUBLIC TO REPORT A VIOLATION.**

3 **(II) THE LINK PROVIDED UNDER SUBPARAGRAPH (I) OF THIS**
4 **PARAGRAPH SHALL ALLOW A VIOLATION TO BE REPORTED ANONYMOUSLY.**

5 **(4) THE COMMISSION AND THE DEPARTMENT SHALL MAINTAIN THE**
6 **CONFIDENTIALITY OF ANY PERSONAL IDENTIFYING INFORMATION OF AN**
7 **INCARCERATED INDIVIDUAL OR A CIVIL DETAINEE THAT IS PROVIDED IN A REPORT.**

8 **(5) AFTER COMPLETING REVIEW OF A VIOLATION REPORTED UNDER**
9 **THIS SUBSECTION, THE COMMISSION MAY:**

10 **(I) INSPECT THE CORRECTIONAL FACILITY OR THE**
11 **IMMIGRATION DETENTION FACILITY IN ACCORDANCE WITH § 8-113 OF THIS**
12 **SUBTITLE;**

13 **(II) SEND A COMPLIANCE PLAN TO THE CORRECTIONAL**
14 **FACILITY OR THE IMMIGRATION DETENTION FACILITY IN ACCORDANCE WITH §**
15 **8-114 OF THIS SUBTITLE;**

16 **(III) DETERMINE THAT THE FACILITY IS LIFE-THREATENING OR**
17 **HEALTH-ENDANGERING AND ORDER THE IMMEDIATE CESSATION OF OPERATION OF**
18 **THE CORRECTIONAL FACILITY OR THE IMMIGRATION DETENTION FACILITY IN**
19 **ACCORDANCE WITH § 8-115 OF THIS SUBTITLE; OR**

20 **(IV) TAKE ANY OTHER ACTION NECESSARY TO PROTECT THE**
21 **HEALTH AND SAFETY OF INCARCERATED INDIVIDUALS OR CIVIL DETAINEES.**

22 **(B) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO PROVIDES**
23 **SERVICES TO A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION**
24 **FACILITY IN THE INDIVIDUAL'S CAPACITY AS:**

25 **(I) A LICENSED HEALTH CARE PRACTITIONER; OR**

26 **(II) A SECURITY GUARD CERTIFIED UNDER TITLE 19, SUBTITLE**
27 **4 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

28 **(2) AN INDIVIDUAL SUBJECT TO THIS SUBSECTION SHALL REPORT TO**
29 **THE COMMISSION:**

1 **(I) A VIOLATION OF THE MINIMUM MANDATORY STANDARDS**
2 **THAT THE INDIVIDUAL HAS REASON TO BELIEVE HAS BEEN COMMITTED BY A**
3 **CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION FACILITY; AND**

4 **(II) A KNOWN BREACH OF THE SECURITY OF A SYSTEM OF A**
5 **CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION FACILITY.**

6 **(3) IF THE REGULATING BODY FOR A LICENSED HEALTH CARE**
7 **PRACTITIONER OR A CERTIFIED SECURITY GUARD DETERMINES THAT AN**
8 **INDIVIDUAL HAS FAILED TO SUBMIT A REPORT IN VIOLATION OF PARAGRAPH (2) OF**
9 **THIS SUBSECTION, THE LICENSING BODY SHALL TAKE APPROPRIATE DISCIPLINARY**
10 **ACTION.**

11 **(C) A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION FACILITY**
12 **MAY NOT RETALIATE AGAINST AN EMPLOYEE FOR SUBMITTING, IN GOOD FAITH, A**
13 **REPORT OF A VIOLATION UNDER THIS SECTION.**

14 **8-111.2.**

15 **(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON OR BEFORE**
16 **JULY 1, 2026, AND EACH JULY 1 THEREAFTER, EACH CORRECTIONAL FACILITY AND**
17 **IMMIGRATION DETENTION FACILITY IN THE STATE SHALL SUBMIT A CERTIFICATION**
18 **TO THE COMMISSION THAT THE FACILITY:**

19 **(I) HAS ADEQUATE AND RELIABLE UTILITIES THAT COMPLY**
20 **WITH STATE AND LOCAL LAWS AND REGULATIONS, INCLUDING POTABLE WATER,**
21 **SEWER, AND ELECTRICITY;**

22 **(II) HAS FUNCTIONAL HEATING, VENTILATION, AND AIR**
23 **CONDITIONING;**

24 **(III) MAINTAINS AN EMERGENCY POWER SYSTEM TO ENSURE**
25 **THE SAFE OPERATION OF THE FACILITY IN THE EVENT OF A DISRUPTION IN**
26 **ELECTRICAL POWER; AND**

27 **(IV) MAINTAINS AN EMERGENCY OPERATIONS PLAN TO**
28 **RESPOND TO UTILITY DISRUPTIONS, A BREACH OF THE SECURITY OF A SYSTEM,**
29 **FIRES, AND MEDICAL EMERGENCIES.**

30 **(2) (I) A FACILITY SHALL SUBMIT A COPY OF THE EMERGENCY**
31 **OPERATIONS PLAN UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION WITH THE**
32 **CERTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1 **(II) THE EMERGENCY OPERATIONS PLAN SHALL BE REVIEWED**
2 **AND UPDATED BY THE FACILITY AT LEAST ANNUALLY.**

3 **(3) THE FACILITY SHALL INCLUDE SUFFICIENT DOCUMENTATION TO**
4 **SUPPORT THE BASIS FOR THE CERTIFICATION AND PROMPTLY RESPOND TO**
5 **REQUESTS FOR ADDITIONAL INFORMATION FROM THE COMMISSION.**

6 **(B) IF A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION**
7 **FACILITY HAS A MATERIAL CHANGE IN OPERATIONS OR A MATERIAL INCREASE IN**
8 **OCCUPANCY, THE FACILITY SHALL SUBMIT AN UPDATED CERTIFICATION TO THE**
9 **COMMISSION WITHIN 30 DAYS OF THE CHANGE.**

10 **(C) IF A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION**
11 **FACILITY FAILS TO SUBMIT THE CERTIFICATION OR SUPPORTING DOCUMENTATION**
12 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION SHALL:**

13 **(1) DETERMINE THAT THE FACILITY IS LIFE-THREATENING OR**
14 **HEALTH-ENDANGERING AND ORDER THE IMMEDIATE CESSATION OF OPERATION OF**
15 **THE CORRECTIONAL FACILITY OR THE IMMIGRATION DETENTION FACILITY IN**
16 **ACCORDANCE WITH § 8-115 OF THIS SUBTITLE; OR**

17 **(2) TAKE ANY OTHER ACTION NECESSARY TO PROTECT THE HEALTH**
18 **AND SAFETY OF INCARCERATED INDIVIDUALS OR CIVIL DETAINEES.**

19 8-112.

20 (a) (1) The Commission shall:

21 (i) advise the Secretary regarding all:

22 1. minimum mandatory standards **FOR STATE AND LOCAL**
23 **CORRECTIONAL FACILITIES AND IMMIGRATION DETENTION FACILITIES LOCATED IN**
24 **THE STATE; and**

25 2. approved standards for State and local correctional
26 facilities;

27 (ii) consult and coordinate with national bodies promulgating
28 **[correctional] standards FOR CORRECTIONAL FACILITIES AND IMMIGRATION**
29 **DETENTION FACILITIES** to provide reasonable compatibility between the State standards
30 and nationally established standards; and

1 (iii) consult and cooperate with other units of the State and local
2 jurisdictions concerning [correctional] standards **FOR CORRECTIONAL FACILITIES AND**
3 **IMMIGRATION DETENTION FACILITIES.**

4 (2) The Commission may provide technical assistance to the extent
5 authorized in the State budget to aid the State and local jurisdictions in their efforts to
6 comply with minimum mandatory standards and approved standards.

7 (b) The Commission shall adopt regulations to carry out this subtitle.

8 (c) The Commission shall employ a staff necessary to carry out this subtitle as
9 provided in the State budget.

10 8–113.

11 (a) The Commission shall:

12 (1) establish and implement a process to inspect State and local
13 correctional facilities **AND IMMIGRATION DETENTION FACILITIES LOCATED IN THE**
14 **STATE** to determine and certify compliance with applicable standards; and

15 (2) determine deadlines for remedial action and reinspection whenever
16 inspection reports indicate noncompliance with applicable standards.

17 (b) The Commission may review and act on appeals from staff inspection reports.

18 (c) **THE COMMISSION MAY CONDUCT AN INSPECTION IN CONJUNCTION**
19 **WITH AN APPROPRIATE UNIT OF STATE OR LOCAL GOVERNMENT, SUCH AS THE**
20 **STATE FIRE MARSHAL OR THE MARYLAND DEPARTMENT OF HEALTH.**

21 (d) (1) **THE MANAGING OFFICIAL OR EMPLOYEES OF A CORRECTIONAL**
22 **FACILITY OR THE OWNER, OPERATOR, MANAGER, OR EMPLOYEES OF AN**
23 **IMMIGRATION DETENTION FACILITY MAY NOT RESTRICT, PREVENT, OR OTHERWISE**
24 **IMPEDE AN INSPECTION FROM BEING CONDUCTED IN ACCORDANCE WITH THIS**
25 **SUBTITLE.**

26 (2) **IF ANY INDIVIDUAL VIOLATES PARAGRAPH (1) OF THIS**
27 **SUBSECTION, THE COMMISSION SHALL ORDER THE IMMEDIATE CESSATION OF**
28 **OPERATION OF THE APPLICABLE CORRECTIONAL FACILITY OR IMMIGRATION**
29 **DETENTION FACILITY.**

30 8–114.

1 (a) (1) If the Commission determines that a correctional facility **OR AN**
2 **IMMIGRATION DETENTION FACILITY** is in violation of the minimum mandatory
3 standards, the Commission shall send a compliance plan to the [correctional] facility.

4 (2) The compliance plan shall state:

5 (i) which minimum mandatory standards the [correctional] facility
6 has violated;

7 (ii) the time, to be determined by the Commission, that the
8 [correctional] facility has to address the violations; and

9 (iii) the date that the Commission shall reinspect the [correctional]
10 facility to determine if the [correctional] facility has complied with the minimum
11 mandatory standards.

12 (3) The Commission shall send a copy of the compliance plan to the
13 executive and legislative body responsible for the [correctional] facility.

14 (b) (1) If, after sending a compliance plan and reinspecting a correctional
15 facility **OR AN IMMIGRATION DETENTION FACILITY** under subsection (a) of this section,
16 the Commission determines that the [correctional] facility is in violation of the minimum
17 mandatory standards, the Commission shall send a letter of reprimand to the [correctional]
18 facility.

19 (2) The letter of reprimand shall state:

20 (i) which minimum standards the [correctional] facility has
21 violated;

22 (ii) the time, to be determined by the Commission but not to exceed
23 60 days, that the [correctional] facility has to address the violations; and

24 (iii) the date that the Commission will reinspect the [correctional]
25 facility to determine if the [correctional] facility has complied with the minimum
26 mandatory standards.

27 (3) The Commission shall send a copy of the letter of reprimand to the
28 executive and legislative body responsible for the [correctional] facility.

29 (c) (1) If, after the Commission has sent a letter of reprimand to a correctional
30 facility **OR AN IMMIGRATION DETENTION FACILITY** under subsection (b) of this section
31 and reinspected the facility, the Commission determines that the [correctional] facility is
32 in violation of the minimum mandatory standards, the Commission shall:

1 (i) conduct a full standards and performance audit of the
2 [correctional] facility; or

3 (ii) periodically inspect the [correctional] facility until compliance is
4 attained and send a report of each inspection to the executive and legislative bodies
5 responsible for the [correctional] facility.

6 (2) When conducting a full standards and performance audit of a
7 [correctional] facility, the Commission shall examine:

8 (i) the physical condition of the [correctional] facility;

9 (ii) the safety and treatment of incarcerated individuals **OR CIVIL**
10 **DETAINEES** at the [correctional] facility, **AS APPLICABLE**;

11 (iii) whether the [correctional] facility has policies and procedures in
12 place as required by the minimum mandatory standards; and

13 (iv) whether the [correctional] facility is following the required
14 policies and procedures.

15 (3) When conducting a full standards and performance audit, the
16 Commission shall have unrestricted access to the personnel and records of the
17 [correctional] facility.

18 (4) (i) If the Commission lacks the expertise necessary to perform a part
19 of the full standards and performance audit, the Commission may obtain assistance from
20 sources with expertise in the specific standard.

21 (ii) If the Commission needs to obtain assistance, the [correctional]
22 facility that is being audited shall reimburse the Commission for any cost incurred.

23 (5) (i) After completing a full standards and performance audit, the
24 Commission shall send a letter to the [correctional] facility.

25 (ii) The letter shall contain:

26 1. a copy of the audit findings, including details on all areas
27 where the [correctional] facility fails to comply with the minimum mandatory standards;

28 2. a statement of what actions the [correctional] facility
29 must take in order to comply with the audit findings;

30 3. a date when the [correctional] facility must comply with
31 the audit findings; and

1 4. a statement that the Commission will conduct an
2 unannounced inspection of the [correctional] facility within a reasonable amount of time
3 after the date specified for compliance and that if the [correctional] facility fails to comply,
4 the Commission may seek a court order requiring compliance or order all or part of the
5 [correctional] facility to cease operations.

6 (iii) The Commission shall send a copy of the letter to the executive
7 and legislative bodies responsible for the [correctional] facility.

8 (6) Within a reasonable time after the date specified for compliance, the
9 Commission shall conduct an unannounced inspection to verify that the [correctional]
10 facility has complied with the audit findings.

11 (d) (1) If, after performing an audit and unannounced inspection under
12 subsection (c) of this section and holding a hearing on the issue, the Commission determines
13 that a [correctional] facility has not complied with the audit findings, the Commission
14 shall, **IN CONJUNCTION WITH THE ATTORNEY GENERAL:**

15 (i) petition a circuit court with venue over the proceeding for a court
16 order requiring the [correctional] facility to comply with the audit findings; or

17 (ii) issue an order to cease operation of the [correctional] facility or
18 any of its [correctional] elements, procedures, or functions.

19 (2) The Commission shall provide to a [correctional] facility reasonable
20 notice of a hearing under paragraph (1) of this subsection.

21 (3) The Commission may subpoena witnesses and hold public hearings in
22 accordance with Title 10, Subtitle 2 of the State Government Article before making a final
23 decision on whether to seek a court order or close a [correctional] facility or any of its
24 [correctional] elements, procedures, or functions.

25 **8-114.1.**

26 **(A) THIS SECTION APPLIES TO A PRIVATE ENTITY THAT OWNS, MANAGES,**
27 **OR OPERATES, IN WHOLE OR IN PART, A CORRECTIONAL FACILITY OR AN**
28 **IMMIGRATION DETENTION FACILITY.**

29 **(B) IN ADDITION TO ANY OTHER ACTION AUTHORIZED BY THIS SUBTITLE,**
30 **THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST A PRIVATE ENTITY FOR:**

31 **(1) RETALIATING AGAINST AN EMPLOYEE FOR SUBMITTING A REPORT**
32 **OF A VIOLATION IN VIOLATION OF § 8-111.1(C) OF THIS SUBTITLE;**

1 **(2) FAILING TO COMPLY WITH THE CERTIFICATION REQUIREMENTS**
2 **UNDER § 8-111.2 OF THIS SUBTITLE;**

3 **(3) IMPEDING A COMMISSION INSPECTION IN VIOLATION OF §**
4 **8-113(D)(1) OF THIS SUBTITLE; OR**

5 **(4) FAILING TO COMPLY WITH THE AUDIT FINDINGS OF THE**
6 **COMMISSION UNDER § 8-114(C) OF THIS SUBTITLE.**

7 **(C) IN AN ACTION BROUGHT UNDER THIS SECTION, THE ATTORNEY**
8 **GENERAL MAY SEEK:**

9 **(1) INJUNCTIVE RELIEF;**

10 **(2) A CIVIL PENALTY OF UP TO \$10,000 FOR EACH VIOLATION**
11 **PAYABLE INTO THE GENERAL FUND OF THE STATE;**

12 **(3) REASONABLE ATTORNEY'S FEES AND COSTS; AND**

13 **(4) ANY OTHER APPROPRIATE RELIEF.**

14 **(D) EACH DAY THAT A PRIVATE ENTITY FAILS TO CORRECT A VIOLATION**
15 **UNDER SUBSECTION (B)(2) THROUGH (4) OF THIS SECTION SHALL CONSTITUTE A**
16 **SEPARATE VIOLATION.**

17 8-115.

18 (a) If the Commission or an authorized inspector finds a condition in a
19 correctional facility **OR AN IMMIGRATION DETENTION FACILITY** that is life threatening
20 or health endangering, the Commission or inspector may order the immediate cessation of
21 operation.

22 (b) Within 96 hours after an order is issued under subsection (a) of this section,
23 the Commission shall hold a review hearing to confirm or countermand the order.

24 (c) (1) **(I)** If a correctional facility is ordered closed under this section, all
25 incarcerated individuals in the facility shall be transferred to and accepted in a suitable
26 place of detention, as the Secretary determines.

27 **(II) IF AN IMMIGRATION DETENTION FACILITY IS ORDERED**
28 **CLOSED UNDER THIS SECTION, ALL CIVIL DETAINEES IN THE FACILITY SHALL BE**
29 **TRANSFERRED TO AND ACCEPTED IN A SUITABLE PLACE OF DETENTION, AS**
30 **DETERMINED BY THE APPROPRIATE STATE OR FEDERAL ENTITY.**

1 (2) The **STATE, LOCAL** governing body, **OR FEDERAL ENTITY** responsible
2 for the cost of the closed facility shall pay the expenses incurred in transferring and
3 maintaining incarcerated individuals **OR CIVIL DETAINEES** under paragraph (1) of this
4 subsection.

5 8–116.

6 (a) (1) The Commission shall establish advisory boards to assist the
7 Commission in carrying out its powers and duties under this subtitle.

8 (2) The Commission may establish advisory boards on **[adult]**:

9 (i) **ADULT** detention centers and lockups;

10 (ii) **ADULT** community correctional facilities; **[and]**

11 (iii) **ADULT** correctional facilities other than those listed in items (i)
12 and (ii) of this paragraph; **AND**

13 **(IV) IMMIGRATION DETENTION FACILITIES.**

14 (b) The chairperson of the Commission shall appoint the members of an advisory
15 board with the approval of the Commission.

16 (c) The chairperson of an advisory board shall be a Commission member.

17 SECTION 2. **AND BE IT FURTHER ENACTED**, That the Maryland Commission on
18 Correctional Standards and the Secretary of Public Safety and Correctional Services shall
19 adopt emergency regulations required under Title 8, Subtitle 1 of the Correctional Services
20 Article, as enacted by Section 1 of this Act, on or before June 1, 2026.

21 SECTION 3. **AND BE IT FURTHER ENACTED**, That this Act is an emergency
22 measure, is necessary for the immediate preservation of the public health or safety, has
23 been passed by a ye and nay vote supported by three–fifths of all the members elected to
24 each of the two Houses of the General Assembly, and shall take effect from the date it is
25 enacted.