

SENATE BILL 828

P1

~~EMERGENCY BILL~~

5lr3006

By: **Senator Smith**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2025

CHAPTER _____

1 AN ACT concerning

2 **Immigration Enforcement – Sensitive Locations – ~~Guidelines~~ Access, Guidance,**
3 **and Policies**
4 **(Protecting Sensitive Locations Act)**

5 FOR the purpose of prohibiting certain schools, libraries, and units of State government
6 that operate at certain sensitive locations from allowing certain federal personnel to
7 access certain areas, subject to certain exceptions; requiring the Attorney General to
8 develop ~~guidelines relating to~~ guidance regarding immigration enforcement at
9 certain sensitive locations; requiring the Attorney General to develop guidance
10 regarding individuals interacting with certain federal personnel; requiring ~~State~~
11 ~~agencies~~ certain schools, libraries, and units of State government that operate at
12 ~~certain sensitive locations to adopt certain policies or provide certain written notice~~
13 ~~of a decision not to adopt certain policies; to adopt policies consistent with certain~~
14 guidance; and generally relating to immigration enforcement.

15 BY adding to

16 Article – Criminal Procedure

17 Section 2–104.2

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2024 Supplement)

20 BY adding to

21 Article – State Government

22 Section 6–111

23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2021 Replacement Volume and 2024 Supplement)

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

Article – Criminal Procedure

2-104.2.

(A) IN THIS SECTION, “SENSITIVE LOCATION” HAS THE MEANING STATED IN § 6-111 OF THE STATE GOVERNMENT ARTICLE.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO A STATE OR LOCAL CORRECTIONAL FACILITY.

(2) A PUBLIC SCHOOL, A PUBLIC LIBRARY, OR A UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT OPERATES AT A SENSITIVE LOCATION SHALL DENY ACCESS TO ANY PORTION OF THE SENSITIVE LOCATION THAT IS NOT ACCESSIBLE TO THE GENERAL PUBLIC TO ANY INDIVIDUAL WHO IS SEEKING ACCESS FOR THE PURPOSE OF ENFORCING FEDERAL IMMIGRATION LAW, UNLESS:

(I) THE INDIVIDUAL PRESENTS A VALID WARRANT ISSUED BY A FEDERAL COURT OR A COURT OF THE STATE; OR

(II) EXIGENT CIRCUMSTANCES EXIST.

Article – State Government

~~6-111.~~

~~(A) IN THIS SECTION, “SENSITIVE LOCATION” MEANS:~~

~~(1) A SCHOOL, INCLUDING A PRESCHOOL, PRIMARY OR SECONDARY SCHOOL, VOCATIONAL OR TRADE SCHOOL, OR COLLEGE OR UNIVERSITY;~~

~~(2) A MEDICAL OR MENTAL HEALTH CARE FACILITY, INCLUDING A HOSPITAL, A DOCTOR’S OFFICE, A HEALTH CLINIC, A VACCINATION OR TESTING SITE, AN URGENT CARE CENTER, A SITE THAT SERVES PREGNANT INDIVIDUALS, OR A COMMUNITY HEALTH CENTER;~~

~~(3) A PLACE OF WORSHIP OR RELIGIOUS STUDY, WHETHER IN A STRUCTURE DEDICATED TO ACTIVITIES OF FAITH OR A TEMPORARY FACILITY OR LOCATION WHERE ACTIVITIES OF FAITH ARE TAKING PLACE;~~

1 ~~(4) A PLACE WHERE CHILDREN GATHER, INCLUDING A PLAYGROUND,~~
2 ~~RECREATION CENTER, CHILD CARE CENTER, BEFORE OR AFTER SCHOOL CARE~~
3 ~~CENTER, FOSTER CARE FACILITY, GROUP HOME FOR CHILDREN, OR SCHOOL BUS~~
4 ~~STOP;~~

5 ~~(5) A SOCIAL SERVICES ESTABLISHMENT, INCLUDING A CRISIS~~
6 ~~CENTER, DOMESTIC VIOLENCE SHELTER, VICTIMS SERVICES CENTER, CHILD~~
7 ~~ADVOCACY CENTER, SUPERVISED VISITATION CENTER, FAMILY JUSTICE CENTER,~~
8 ~~COMMUNITY BASED ORGANIZATION, FACILITY THAT SERVES DISABLED PERSONS,~~
9 ~~HOMELESS SHELTER, DRUG OR ALCOHOL COUNSELING AND TREATMENT FACILITY,~~
10 ~~OR FOOD BANK OR PANTRY OR OTHER ESTABLISHMENT DISTRIBUTING FOOD OR~~
11 ~~OTHER ESSENTIALS OF LIFE TO PEOPLE IN NEED;~~

12 ~~(6) A PLACE WHERE DISASTER OR EMERGENCY RESPONSE AND~~
13 ~~RELIEF IS BEING PROVIDED, INCLUDING ALONG EVACUATION ROUTES, WHERE~~
14 ~~SHELTER OR EMERGENCY SUPPLIES, FOOD, OR WATER ARE BEING DISTRIBUTED, OR~~
15 ~~REGISTRATION FOR DISASTER RELATED ASSISTANCE OR FAMILY REUNIFICATION IS~~
16 ~~UNDERWAY;~~

17 ~~(7) A PLACE WHERE A FUNERAL, GRAVESIDE CEREMONY, ROSARY,~~
18 ~~WEDDING, OR OTHER RELIGIOUS OR CIVIL CEREMONY OR OBSERVANCE OCCURS;~~

19 ~~(8) A PLACE WHERE THERE IS AN ONGOING PARADE,~~
20 ~~DEMONSTRATION, OR RALLY;~~

21 ~~(9) A COURTHOUSE; OR~~

22 ~~(10) ANY OTHER LOCATION DESIGNATED BY THE ATTORNEY~~
23 ~~GENERAL.~~

24 ~~(B) (1) THE ATTORNEY GENERAL, IN CONSULTATION WITH~~
25 ~~APPROPRIATE STAKEHOLDERS, SHALL DEVELOP GUIDELINES FOR ENTITIES~~
26 ~~OPERATING AT SENSITIVE LOCATIONS THAT LIMIT IMMIGRATION ENFORCEMENT AT~~
27 ~~SENSITIVE LOCATIONS TO THE FULLEST EXTENT POSSIBLE CONSISTENT WITH~~
28 ~~FEDERAL AND STATE LAW.~~

29 ~~(2) A STATE AGENCY THAT OPERATES AT A SENSITIVE LOCATION~~
30 ~~SHALL:~~

31 ~~(I) ADOPT POLICIES CONSISTENT WITH THE GUIDELINES~~
32 ~~DEVELOPED UNDER THIS SUBSECTION; OR~~

~~(H) PROVIDE WRITTEN NOTICE TO THE ATTORNEY GENERAL OF THE AGENCY'S DECISION NOT TO ADOPT POLICIES CONSISTENT WITH THE GUIDELINES DEVELOPED UNDER THIS SUBSECTION, INCLUDING:~~

~~1. AN EXPLANATION OF THE REASONS FOR NOT ADOPTING POLICIES; AND~~

~~2. COPIES OF ANY EXISTING POLICIES RELATING TO IMMIGRATION ENFORCEMENT AT THE SENSITIVE LOCATION.~~

(A) IN THIS SECTION, "SENSITIVE LOCATION" MEANS:

(1) A PUBLIC SCHOOL;

(2) A PUBLIC LIBRARY;

(3) A HEALTH CARE FACILITY OPERATED BY A UNIT OF STATE GOVERNMENT;

(4) A FACILITY OPERATED BY THE COMPTROLLER;

(5) A COURTHOUSE; OR

(6) ANY OTHER LOCATION THAT:

(I) PROVIDES STATE-FUNDED SERVICES RELATED TO:

1. PHYSICAL OR MENTAL HEALTH;

2. EDUCATION; OR

3. SHELTER CARE; AND

(II) AS DETERMINED BY THE ATTORNEY GENERAL, REQUIRES SPECIAL CONSIDERATION FOR IMMIGRATION ENFORCEMENT ACTIVITIES.

(B) (1) THE ATTORNEY GENERAL SHALL DEVELOP AND PUBLISH GUIDANCE REGARDING IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS THAT INFORMS THE PUBLIC AND RELEVANT STATE AGENCIES ABOUT:

(I) THE LIMITATIONS ON FEDERAL IMMIGRATION ENFORCEMENT ACTIVITIES AT SENSITIVE LOCATIONS; AND

(II) THE RESPONSIBILITIES AND RESTRICTIONS ON STATE AGENCIES THAT AFFECT THE AGENCIES' ABILITY TO ENSURE COMPLIANCE WITH

1 FEDERAL AND STATE LAW WHILE MAINTAINING PUBLIC SAFETY AND
 2 ACCESSIBILITY.

3 (C) THE ATTORNEY GENERAL SHALL DEVELOP AND PUBLISH GUIDANCE
 4 REGARDING THE RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS WHO INTERACT
 5 WITH FEDERAL LAW ENFORCEMENT PERSONNEL ACTING TO ENFORCE FEDERAL
 6 IMMIGRATION LAW.

7 (D) ON OR BEFORE OCTOBER 1, 2025, EACH PUBLIC SCHOOL, PUBLIC
 8 LIBRARY, AND UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT
 9 OPERATES AT A SENSITIVE LOCATION SHALL IMPLEMENT A POLICY CONSISTENT
 10 WITH THE GUIDANCE ISSUED BY THE ATTORNEY GENERAL UNDER THIS SECTION.

11 (E) THE GUIDANCE AND POLICIES REQUIRED BY THIS SECTION ARE NOT
 12 SUBJECT TO TITLE 10, SUBTITLES 1, 2, AND 3 OF THE STATE GOVERNMENT
 13 ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency~~
 15 ~~measure, is necessary for the immediate preservation of the public health or safety, has~~
 16 ~~been passed by a yea and nay vote supported by three fifths of all the members elected to~~
 17 ~~each of the two Houses of the General Assembly, and shall take effect from the date it is~~
 18 ~~enacted~~ shall take effect June 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.