

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 85 (Delegate Mangione)
 Judiciary

State and Local Government - Sanctuary Policies and Enforcement of Federal Immigration Law (Rachel Morin Act)

This bill (1) prohibits a county or municipality from adopting, enacting, or enforcing a sanctuary policy and (2) requires a county or municipality to fully cooperate with federal immigration authorities regarding any individual unlawfully present in the United States who has been convicted of a crime of violence. A resident of the State that believes a county or municipality is in violation of the bill’s provisions may submit a complaint to the Attorney General. On receipt of a complaint, the Attorney General must issue an opinion stating whether the county or municipality is in violation. If an opinion is issued stating that a county or municipality is in violation of the bill’s provisions, the county or municipality is ineligible to receive State funds until the Attorney General certifies that the county or municipality has come into compliance. A county or municipality may appeal a decision of the Attorney General to the appropriate circuit court. In addition, the bill repeals prohibitions on specified State and local law enforcement agents inquiring about an individual’s immigration status during the performance of regular police functions.

Fiscal Summary

State Effect: General fund expenditures increase by \$290,400 in FY 2026 for additional staff for the Office of the Attorney General (OAG) to meet the bill’s requirements. Future years reflect annualization, inflation, and ongoing costs. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	290,400	348,200	363,700	379,800	396,100
Net Effect	(\$290,400)	(\$348,200)	(\$363,700)	(\$379,800)	(\$396,100)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential minimal increase in local government expenditures, as discussed below. Local revenues could be negatively affected, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary:

Immigration Status and Law Enforcement Agents

The bill repeals provisions of law prohibiting 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, as specified; (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 other specified individuals.

The bill further repeals, when 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, authorization for a law enforcement agent to (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.

Definitions

Section 14-101(a) of the Criminal Law Article defines a "crime of violence" as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes (1) through (16); (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

"Local government entity" means a governing body, board, commission, committee, department, or law enforcement agency of a county or municipality.

“Local government official” means an agent, employee, member, or representative of a county or municipality.

“Sanctuary policy” means a directive, order, ordinance, local law, resolution, practice, or policy, whether formally enacted, informally adopted, or otherwise effectuated, that:

- limits or prohibits any local government entity or official from communicating or cooperating with federal immigration authorities to verify or report the immigration status of any individual;
- grants to individuals unlawfully present in the United States the right to lawful presence within the boundaries of the state in violation of federal law;
- violates 8 U.S.C. § 1373 (prohibits restriction of communication between government agencies and the Immigration and Naturalization Service, as specified);
- restricts in any way, or imposes any conditions on, a local government entity’s cooperation with detainers from federal immigration authorities to maintain custody of any individual or to transfer any individual to the custody of federal immigration authorities;
- requires federal immigration authorities to obtain a warrant or demonstrate probable cause before complying with detainers to maintain custody of any individual or transfer any individual to the custody of federal immigration authorities; or
- prohibits law enforcement agencies from inquiring as to the citizenship or immigration status of any individual.

Current Law: While immigration is controlled by federal law, the U.S. Immigration, Customs, and Enforcement Division (ICE) and the Department of Human Services 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.

Responding to Immigration Detainers

OAG issued a guidance memorandum in [January 2025](#) pertaining to local enforcement of federal immigration law and includes guidance on immigration detainers. Such detainers are notices sent from ICE to state or local law enforcement agencies that request the agency to continue to hold the individual named in the detainer for up to 48 hours past the date that the individual is otherwise eligible for release. The memorandum notes that immigration detainers are requests only and local officers are not obligated to honor them and may risk violating constitutional rights by doing so. A law enforcement agency's decision to comply with a detainer request and hold an individual beyond the individual's normal release date constitutes a new "seizure." That new seizure must be justified under the Fourth Amendment of the U.S. Constitution and the analogous provisions of Article 26 of the Maryland Declaration of Rights. The Attorney General specifically notes that the requirements of the Fourth Amendment do not change because ICE has issued a detainer request to a law enforcement agency.

Database Access

Chapter 18 of the 2021 special session modified Maryland's Public Information Act (PIA) to require an officer, an employee, an agent, or a contractor of the State or a political subdivision to deny inspection of specified records, and deny inspection using facial recognition searches, by any federal agency seeking access for the purpose of enforcing federal immigration law unless provided with a valid warrant. In addition, a person who receives specified personal information under PIA may not disclose the information to a federal agent or federal agency for the purpose of federal immigration enforcement unless presented with a valid warrant. The Motor Vehicle Administration, the Department of State Police, and the Department of Public Safety and Correctional Services must submit a specified annual report to the General Assembly on records requests from federal agencies seeking access for immigration enforcement purposes. In addition, State and local law enforcement agencies and other specified entities that operate a specified database must deny access to the database to an individual seeking access for the purpose of enforcing federal immigration law, unless provided with a valid warrant.

Federal Immigration Detention Agreements

Chapter 19 of the 2021 special session prohibits the State, local governments, and specified State and local agents from (1) entering into an agreement of any kind for the detention of individuals in an immigration detention facility owned, managed, or operated, in whole or in part, by a private entity; (2) paying, reimbursing, subsidizing, or defraying in any way

any costs related to the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated, in whole or in part, by a private entity; (3) receiving any payment related to the detention of individuals in an immigration detention facility owned, managed, or operated in whole or in part, by a private entity; or (4) otherwise giving any financial incentive or benefit to any private entity or person in connection with the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated, in whole or in part, by a private entity.

The State, local governments, and specified State and local agents are prohibited from approving a zoning variance or issuing a permit for the construction of a building or the reuse of existing buildings or structures by any private entity for use as an immigration detention facility unless the entity (1) provides notice to the public of the proposed zoning variance or permit action at least 180 days before authorizing the variance or issuing the permit and (2) solicits and hears public comments on the proposed zoning variance or permit action in at least two separate meetings open to the public.

The State, local governments, and specified State and local agents are prohibited from entering into or renewing an immigration detention agreement. Those with an existing immigration detention agreement must exercise the termination provision contained in the immigration detention agreement no later than October 1, 2022. In any dispute over an immigration detention agreement with the State, these provisions govern. However, the provisions may not be construed to authorize or prohibit the State, local governments, and specified State and local agents from entering into an agreement with the federal government under 8 U.S.C. § 1357(g).

“Immigration detention agreement” means any contract, agreement, intergovernmental service agreement, or memorandum of understanding that authorizes a State or local government agency to house or detain individuals for federal civil immigration violations. “Immigration detention facility” means any building, facility, or structure used, in whole or in part, to house or detain individuals for federal civil immigration violations.

Immigration Status and Law Enforcement Agents

Chapter 19 further 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.

State Expenditures: General fund expenditures for OAG increase by \$290,378 in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring one assistant attorney general, one administrator, and one administrative assistant to handle any complaints and to work with counties and municipalities for compliance with the bill’s requirements. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$268,272
Operating Expenses	<u>22,106</u>
Total FY 2026 State Expenditures	\$290,378

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate does not reflect any reduction in State expenditures that would occur due to noncompliance by a county or municipality.

Local Revenues: This estimate does not reflect any loss of revenue from State funding that would occur due to noncompliance by a county or municipality.

Local Expenditures: Potential minimal increase in local government expenditures to the extent that a county or municipality needs to change policies and procedures to meet the bill's requirements.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, Queen Anne's, and St. Mary's counties; Maryland Association of Counties; City of Annapolis; Maryland Municipal League; Office of the Attorney General; Department of State Police; Department of Legislative Services

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