

Lawmakers last-minute dash to curb ICE in Maryland, as presence spreads



State lawmakers are racing to get bills to restrict federal immigration enforcement efforts passed with less than three weeks remaining of the Maryland General Assembly session.



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State lawmakers are racing to pass bills restricting federal immigration enforcement efforts with less than three weeks remaining in the Maryland General Assembly session.

Monday was the deadline to get bills passed out of one chamber for a guaranteed shot at a hearing in the opposite chamber, also known as crossover day. Among the over 2,600 bills were several aimed at restricting federal Immigration and Customs Enforcement (ICE) officials, with a handful still with a chance of getting passed before the Maryland General Assembly session ends on April 13. There are also several of the hardest-line bills on ICE that did not make the critical deadline, which faced **outcry from local law enforcement**, who feared that the bills would make doing their jobs more difficult.

Many of these bills apply to a broader swath of facilities or law enforcement officers than just ICE, in an effort to subvert constitutional questions that can be brought if state law specifically regulates the federal government.

The only **statewide bill signed into law** so far this year by the Maryland General Assembly is the ban on local formal agreements, called 287(g) agreements, with ICE. The agreements were active in nine Maryland counties before the ban.

ICE has expanded its footprint across Maryland, including through a pending immigration detention center in **Washington County** and **stockpiling food and vehicles in Baltimore City**.

Ban on private detention centers

The state Senate passed a bill on Monday that would ban the state or local governments from approving the operation or construction of any privately operated detention centers. There are currently no privately-operated prisons in the state, but there are reports of several that have attempted to open as private immigration detention centers. This includes a **Howard County developer**, who is suing the county over its attempt to block the private immigration detention center.

“Whether it’s for immigration detention purposes or any other purpose, it just cannot happen in Maryland,” Montgomery County Democrat Sen. Will Smith, the lead sponsor, said in an interview. “The state has a fundamental lack of oversight and transparency into a private facility, even operated, so it’s good policy. The ancillary benefit is that it will stop private actors, private immigration detention centers, from coming to Maryland.”

The legislation is a heavily amended version of a cross-filed bill that passed the House of Delegates in February, which initially only attempted to ban private

immigration detention centers unless there was a specific local zoning ordinance allowing their operation.

Ability to Sue (No Kings)

The No Kings Act, passed by the state Senate and as part of a bill package in the House, would allow people to sue federal officers if the officers violate their constitutional rights. There is a current federal law that allows people to sue local and state government officials for violating constitutional rights.

The House of Delegates passed a bill, combined with the No Kings Act, to allow the attorney general's office or state prosecutors to allow law enforcement agencies to gather identifying digital information about federal and other law enforcement officers. This gathering of information would only be allowed if there is a court order to do so.

Masking

Law enforcement officers would no longer be able to wear face coverings in most instances, under a bill passed by the state Senate in February, but it is awaiting a House vote. The legislation would permit face coverings when officers are undercover or when needed for health or religious reasons.

Maryland's Attorney General Anthony Brown wrote in a letter of advice in February that the bill may be constitutionally weak if applied to federal agents, including ICE, as intended by bill leaders. Republicans have said that banning masks worn by ICE agents could put officers and their families more at risk for doxxing. The legislation has not moved out of its House committee.

Hospital police on immigration enforcement

Hospitals in the state would be required to have a policy on what to do if ICE is present at hospitals and provide staff training on the plan, under a bill that passed

the state Senate. The policy would be developed by the attorney general and the Maryland Hospital Association.

Missed crossover deadline

Several immigration-related bills that were vocally opposed by several Maryland sheriffs did not make the crossover day deadline.

One bill, pushed by Montgomery County Democrat Sen. Sara Love, would have required local law enforcement to respond to and observe reported immigration enforcement activity. Law enforcement members testified to the Senate Judicial Proceedings Committee that the legislation would be difficult for law enforcement agencies already struggling with small staffs.

Another bill aimed to further extend the ban on local law enforcement's interactions with ICE, barring agencies from alerting ICE or transferring a detainee to ICE unless there is a judicial warrant. The legislation would also prevent local law enforcement from inquiring about the immigration status of people in their detention. The bill was pushed by Democrat Sen. Clarence Lam, representing Anne Arundel and Howard counties, and dozens of state delegates.

Have a news tip? Contact Katharine Wilson at kwilson@baltsun.com.