

Expedited Bill No. 35-25
Concerning: County Administration —
Immigrant Protections
Revised: 1/28/2026 Draft No. 2
Introduced: December 9, 2025
Enacted: February 10, 2026
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council President Fani-González, Council Vice-President Balcombe, and Councilmembers Friedson, Glass, Jawando, Katz, Luedtke, Mink, Sayles, Stewart, and Evans

AN EXPEDITED ACT to:

- (1) prohibit discriminatory practices by the County against foreign nationals and immigrants in the County;
- (2) limit, consistent with federal and state law, the use of County agents and resources in the enforcement of civil immigration laws;
- (3) ensure that, to the greatest extent permitted under federal and state law, County benefits and services are provided to residents regardless of country of birth or immigration status;
- (4) require certain notices to individuals; and
- (5) generally amend the laws regarding County government administration and immigrant protections.

By adding

Chapter 2, Administration
Article XV, Section 2-160

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Article XV, Section 2-160 is added to Chapter 2 as follows:**

2 **ARTICLE XV. IMMIGRANT PROTECTIONS**

3 **2-160. Promoting Community Trust (Immigrant Protections).**

4 (a) *Short title; legislative findings; purpose; and construction.*

5 (1) *Short title. This section may be known as the “Promoting*
6 *Community Trust - Immigrant Protections Act”.*

7 (2) *Findings.*

8 (A) Montgomery County is one of the most diverse counties in
9 the United States, with a thriving immigrant community
10 representing more than 30 percent of the County’s
11 population. Consistent with the vision of creating a more
12 equitable and inclusive County, it is vital that all residents
13 of the County feel safe and welcomed and have access to
14 the many resources which make the County an exceptional
15 place to live.

16 (B) It is especially important that all County residents feel safe
17 contacting police and other County law enforcement
18 officials without fear that such contact could lead to
19 negative consequences for themselves or their family
20 members. Any perception that such contact could lead to
21 negative immigration consequences for an individual or
22 member of their family undermines that goal and erodes
23 public safety.

24 (C) Enforcing federal immigration law is the responsibility of
25 the federal government of the United States and it is not in
26 the interests of Montgomery County to utilize its limited

27 resources to facilitate the enforcement of federal civil
 28 immigration law.

29 (3) Purpose. This Section is intended to ensure that:

30 (A) immigrant and otherwise vulnerable communities engage
 31 with County departments, including public safety
 32 departments, with assurance that such engagement will not
 33 be used to assist in civil immigration enforcement or a
 34 discriminatory practice;

35 (B) the constitutional rights of immigrant County residents are
 36 not violated; and

37 (C) County benefits and services are provided to residents
 38 regardless of country of birth or immigration status.

39 (4) Construction. This Section must not be construed [[to]]:

40 (A) to prevent or limit the County's enforcement of criminal law
 41 or cooperation regarding the enforcement of criminal law;
 42 [[or]]

43 (B) to prevent the County from sending to or receiving from any
 44 local, state, or federal agency information regarding the
 45 citizenship or immigration status of an individual if required
 46 by state or federal law; or

47 (C) in a manner that violates state or federal law.

48 (b) Definitions. [[The]] In this Section, the following terms have the
 49 meanings indicated.

50 Agent means any person employed by or acting on behalf of a
 51 Department.

52 Civil administrative warrant means an immigration order of arrest, order
 53 to detain or release a foreign national, notice of custody determination,

54 notice to appear, removal order, warrant of removal, or any other
55 document, including those issued by the United States Department of
56 Homeland Security or any other federal immigration official or agency,
57 including an immigration judge, that can form the basis for an
58 individual's arrest or detention for a civil immigration enforcement
59 purpose.

60 Civil administrative warrant includes DHS Form I-205 "Warrant of
61 Removal/Deportation"; DHS Form I-200 "Warrant for the Arrest of
62 Alien"; DHS Form I-286 "Notice of Custody Determination"; DHS Form
63 I-203 "Order to Detain or Release Alien"; any warrant, request, or hit
64 contained in the "Immigration Violator File" of the FBI's National Crime
65 Information Center (NCIC) database; and any predecessor or successor
66 form or database.

67 Civil administrative warrant does not include a criminal warrant issued
68 upon a judicial determination of probable cause and in compliance with
69 the requirements of the Fourth Amendment to the U.S. Constitution and
70 Article 26 of the Maryland Declaration of Rights.

71 Contact information means home address, work address, telephone
72 number, electronic mail address, social media contact information,
73 license plate information, or any other means of contacting an individual
74 or through which an individual may be located.

75 County resources means any money, facilities, property, equipment,
76 personnel, including personnel time, or other assets funded in whole or
77 in part by Montgomery County.

78 Department means any County department, agency, division,
79 commission, council, committee, board, other body, or office established
80 by authority of County law.

81 DHS means the United States Department of Homeland Security or any
82 successor agency.

83 DOJ means the United States Department of Justice or any successor
84 agency.

85 Family member means a person's:

86 (1) immediate family;

87 (2) extended family;

88 (3) court-appointed legal guardian or a person for whom the person is
89 a court-appointed legal guardian; or

90 (4) domestic partner or the domestic partner's immediate or extended
91 family.

92 Eligible for release from custody or eligible for release means one of the
93 following conditions has occurred:

94 (1) all criminal charges against the person have been dropped or
95 dismissed;

96 (2) the person has been acquitted of all criminal charges filed against
97 the person;

98 (3) the person has served all the time required for a criminal sentence;

99 (4) the person has been released on a conditional bail release; or

100 (5) the person is otherwise eligible for release under applicable law.

101 ICE means the United States Immigration and Customs Enforcement
102 agency or any successor agency charged with the enforcement of civil
103 immigration laws.

104 Immigration detainer or detainer is a civil administrative detainer and
105 means a request by ICE to a federal, state, or local law enforcement
106 agency that the law enforcement agency provides notice of release or
107 maintains custody of an individual based on an alleged violation of a civil

108 immigration law, including detainers issued pursuant to sections 236 or
 109 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8
 110 of the Code of Federal Regulations, as amended.

111 Immigration detainer or detainer includes DHS Form 1-247D
 112 “Immigration Detainer - Request for Voluntary Action”; DHS Form 1-
 113 247X Form “Request for Voluntary Transfer”; DHS Form 1-247N
 114 “Request for Voluntary Notification of Release”; DHS Form 1-247A
 115 “Immigration Detainer”; and any predecessor or successor form.

116 Immigration enforcement official means any federal employee or agent
 117 engaged in immigration enforcement operations, including employees of
 118 DHS, DOJ, and ICE.

119 Immigration enforcement operation means any and all efforts to
 120 investigate, enforce, or assist in the investigation or enforcement of any
 121 federal civil immigration law, including a civil administrative warrant or
 122 civil immigration detainer.

123 Immigration status means all matters regarding questions of citizenship
 124 of the United States or any other country, the authority to reside in or
 125 otherwise be present in the United States, the time and manner of a
 126 person’s entry into the United States, or any other immigration matter
 127 enforced by DHS, its predecessor or successor agency, or any other
 128 federal agency charged with the enforcement of civil immigration laws.

129 Person or individual means a natural person.

130 Sensitive location has the meaning stated in Section 6-111 of the State
 131 Government Article of the Maryland Code, as amended.

132 (c) Requesting immigration status information - prohibited.

133 (1) An agent or department must not request information about, or
 134 otherwise investigate or assist in the investigation of, the

135 immigration status of any person unless such inquiry or
 136 investigation is required by state or federal law, court order, or
 137 international treaty.

138 (2) If the citizenship or immigration status of an individual is relevant
 139 to protections, services, or benefits accorded to them under any
 140 County, state, or federal law, or required by any international
 141 treaty, an agent or department may notify the individual of the
 142 relevant protection or requirement and provide them an
 143 opportunity to disclose voluntarily their immigration status.

144 (d) Threats based on citizenship or immigration status - prohibited.

145 (1) An agent or department must not coerce, intimidate, or threaten
 146 any person based on the person's actual or perceived immigration
 147 status or the actual or perceived immigration status of a member of
 148 the person's family or any other associate of the individual.

149 (2) An agent or department must not subject an individual to verbal
 150 abuse, including disparaging or offensive comments, based on the
 151 individual's actual or perceived immigration status, or the actual
 152 or perceived immigration status of a member of the individual's
 153 family or any associate of the individual.

154 (e) Conditioning benefits, services, or opportunities on immigration status –
 155 prohibited.

156 (1) An agent or department must not condition the provision of County
 157 benefits, opportunities, or services on matters related to
 158 immigration status unless required to do so by County, state, or
 159 federal law, or court order.

160 (2) Where presentation of a Maryland driver's license or identification
 161 card is accepted as adequate evidence of identity, presentation to

162 an agent or department of a photo identity document issued by the
 163 person's country of origin, such as a driver's license, passport, or
 164 matricula consular (consulate-issued document), or issued by a
 165 non-profit organization pre-approved by the Chief Administrative
 166 Officer, must be accepted and must not subject the person to a
 167 higher level of scrutiny or different treatment than if the person had
 168 provided a Maryland driver's license or identification card, except
 169 that this paragraph (2) must not apply to the completion of
 170 federally mandated I-9 forms.

171 (f) Immigration enforcement operations – additional limitations.

172 (1) Investigations, stops, and arrests. An agent or department must not
 173 participate in an immigration enforcement operation, including by
 174 stopping, detaining, or arresting an individual, based on:

175 (A) the actual or perceived immigration status of an individual;

176 (B) a civil administrative warrant or immigration detainer; or

177 (C) a belief that the person has committed a civil immigration
 178 violation.

179 (2) Inquiries during law enforcement actions. For the purpose of an
 180 immigration enforcement operation, an agent or department must
 181 not:

182 (A) require persons to prove their immigration status;

183 (B) request identification for the purpose of determining an
 184 individual's immigration status; or

185 (C) prolong a stop or detention for questions related to an
 186 individual's immigration status.

187 (3) Actions following arrest. A department or agency must not:

- 188 (A) contact an immigration enforcement official regarding an
 189 arrested person unless the person is subject to a valid
 190 judicial warrant requiring such action; or
- 191 (B) affect the manner in which a person is processed following
 192 an arrest based on a civil administrative warrant,
 193 immigration detainer, or other immigration enforcement
 194 operation.
- 195 (4) Detention after eligibility for release – prohibited. An agent or
 196 department must not detain a person based on:
- 197 (A) a civil administrative warrant or civil immigration detainer
 198 after the person becomes eligible for release from custody;
 199 or
- 200 (B) a belief that the person has committed a civil immigration
 201 violation.
- 202 (g) Access to County buildings; coordination with immigration enforcement
 203 officials – restricted.
- 204 (1) Sensitive locations. An agent or department must deny access to
 205 any portion of a sensitive location that is not accessible to the
 206 general public to any individual who is seeking access for the
 207 purpose of enforcing federal immigration law, unless:
- 208 (A) the individual presents a valid judicial warrant requiring
 209 access; or
- 210 (B) the access is otherwise required under state law.
- 211 (2) Coordination with immigration officials – limited. Except as
 212 permitted under paragraph (3) of this subsection, an agent or
 213 department must not, for the purpose of an immigration
 214 enforcement operation:

- 215 (A) permit immigration enforcement officials to access any
 216 portion of a building or facility operated by the County that
 217 is not accessible to the general public;
- 218 (B) permit immigration enforcement officials access to a person
 219 being detained by, or in the custody of, the department or
 220 agent;
- 221 (C) permit immigration enforcement officials to use non-public
 222 spaces of department facilities, information, or equipment;
- 223 (D) communicate any information about an individual who is
 224 the target of an immigration enforcement operation with
 225 immigration enforcement officials; or
- 226 (E) notify immigration enforcement officials that an individual
 227 has been or will be released from custody.
- 228 (3) The requirements of paragraph (2) of this subsection:
- 229 (A) must not be construed to prohibit compliance with a valid
 230 judicial warrant issued by a state or federal court; and
- 231 (B) do not apply to notifying an immigration enforcement
 232 official of the release of an individual from the Department
 233 of Corrections and Rehabilitation if the individual has been
 234 convicted under the Criminal Law Article of the Maryland
 235 Code, as amended, of:
- 236 (i) a crime of violence under Section 14-101;
- 237 (ii) Section 5-613 {Drug kingpin};
- 238 (iii) Section 9-805 {Organization or supervision of
 239 criminal organization prohibited};
- 240 (iv) Section 2-503 {Homicide by motor vehicle or vessel
 241 while under the influence of alcohol or under the

242 influence of alcohol per se}, Section 2-504
 243 {Homicide by motor vehicle or vessel while impaired
 244 by alcohol}, Section 2-505 {Homicide by motor
 245 vehicle or vessel while impaired by drugs}, or
 246 Section 2-506 {Homicide by motor vehicle or vessel
 247 while impaired by a controlled dangerous
 248 substance};

249 (v) Section 3-211 {Life-threatening injury by motor
 250 vehicle or vessel while under the influence of alcohol
 251 and related crimes};

252 (vi) Section 3-307 {Sexual offense in the third degree};

253 (vii) Section 3-1102 {Sex trafficking}; or

254 (viii) Section 5-133(c)(1) {Restrictions on possession of
 255 regulated firearms} under the Public Safety Article of
 256 the Maryland Code, as amended.

257 Such notification must not occur earlier than 36 hours prior
 258 to release.

259 (4) This subsection must not be construed to permit an agent or
 260 department to prolong the detention of an individual who is
 261 eligible for release.

262 (h) Intergovernmental agreements for immigration enforcement =
 263 prohibited. An agent or department must not:

264 (1) enter into an intergovernmental services agreement, or other
 265 contract or agreement, with the federal government for the purpose
 266 of housing individuals subject to detention on civil immigration
 267 charges, or for any other purpose related to civil immigration
 268 enforcement; or

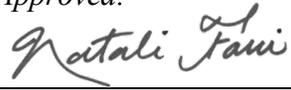
- 269 (2) enter into an agreement under 8 U.S.C. 1357(g) or any other
 270 federal law that permits state or local governmental entities to
 271 enforce federal civil immigration laws.
- 272 (i) Prohibition against discriminatory acts. [[No]] Except as permitted
 273 under paragraph (2) of subsection (c), no County resources may be used
 274 to investigate, enforce, or assist in the investigation or enforcement of any
 275 federal program requiring registration of individuals on the basis of race,
 276 gender, sexual orientation, religion, immigration status, or national or
 277 ethnic origin.
- 278 (j) Confidentiality; notice requirements; reporting.
- 279 (1) All applications, questionnaires, interviews or other forms used in
 280 relation to County benefits, opportunities, or services must be
 281 promptly reviewed by the pertinent departments and any questions
 282 regarding citizenship or immigration status, other than those
 283 required by law or court order, must be deleted if that information
 284 is not necessary for a County function. The department promptly
 285 must delete, to the extent permitted under applicable state law, any
 286 information regarding individuals' immigration status that is not
 287 necessary for a County function.
- 288 (2) All departments must engage in a review of their confidentiality
 289 provisions to ensure that the provisions are in compliance with this
 290 Section and have sufficient safeguards in place to protect the
 291 privacy of sensitive information, including individual's
 292 immigration status.
- 293 (3) Any request received by an agent or department from immigration
 294 enforcement officials to detain or notify immigration enforcement
 295 officials regarding a person in custody must be provided or

296 communicated to the subject of such a request within 48 hours. If
297 such request is in writing, the subject of the request must be
298 provided with a copy of the request.

299 (4) The Executive must report to the Council every ~~[[six]]~~ 6 months
300 the number of requests received by agents and departments from
301 immigration enforcement officials and the manner in which each
302 request was handled.

303 **Sec. 2. Expedited Effective Date.** The Council declares that this Act is
304 necessary for the immediate protection of the public interest. This Act takes effect on
305 the date on which it becomes law.

Approved:



February 10, 2026

Natali Fani-González, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date