

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: February 20, 2026
Effective: February 20, 2026
Sunset Date: None
Ch. 2, Laws of Mont. Co. 2026

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	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

resources to facilitate the enforcement of federal civil immigration law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Family member means a person's:

- (1) immediate family;
- (2) extended family;
- (3) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or
- (4) domestic partner or the domestic partner's immediate or extended family.

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

- (1) all criminal charges against the person have been dropped or dismissed;
- (2) the person has been acquitted of all criminal charges filed against the person;
- (3) the person has served all the time required for a criminal sentence;
- (4) the person has been released on a conditional bail release; or
- (5) the person is otherwise eligible for release under applicable law.

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

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

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

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

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

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

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

Person or individual means a natural person.

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

(c) Requesting immigration status information - prohibited.

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

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

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

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

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

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

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

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

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

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

(f) *Immigration enforcement operations – additional limitations.*

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

- (A) the actual or perceived immigration status of an individual;
- (B) a civil administrative warrant or immigration detainer; or
- (C) a belief that the person has committed a civil immigration violation.

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

- (A) require persons to prove their immigration status;
- (B) request identification for the purpose of determining an individual's immigration status; or
- (C) prolong a stop or detention for questions related to an individual's immigration status.

(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

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

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

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

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

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

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

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

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

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

(2) enter into an agreement under 8 U.S.C. 1357(g) or any other federal law that permits state or local governmental entities to enforce federal civil immigration laws.

(i) *Prohibition against discriminatory acts.* ~~[[No]]~~ Except as permitted under paragraph (2) of subsection (c), no County resources may be used to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origin.

(j) *Confidentiality; notice requirements; reporting.*

(1) All applications, questionnaires, interviews or other forms used in relation to County benefits, opportunities, or services must be promptly reviewed by the pertinent departments and any questions regarding citizenship or immigration status, other than those required by law or court order, must be deleted if that information is not necessary for a County function. The department promptly must delete, to the extent permitted under applicable state law, any information regarding individuals' immigration status that is not necessary for a County function.

(2) All departments must engage in a review of their confidentiality provisions to ensure that the provisions are in compliance with this Section and have sufficient safeguards in place to protect the privacy of sensitive information, including individual's immigration status.

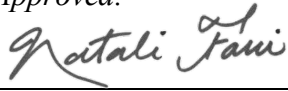
(3) Any request received by an agent or department from immigration enforcement officials to detain or notify immigration enforcement officials regarding a person in custody must be provided or

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:

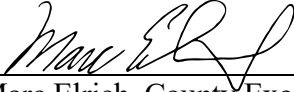


February 10, 2026

Natali Fani-González, President, County Council

Date

Approved:



February 20, 2026

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



February 20, 2026

Sara R. Tenenbaum, Clerk of the Council

Date