

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2026 Legislative Session

Legislative Day No. 2

Bill No. 17 -2026

Introduced by: Liz Walsh

SHORT TITLE: County Executive – Immigration Enforcement – Guidance – Emergency Act

TITLE: AN ACT requiring the County Executive to develop and publish certain guidance related to immigration enforcement action at County facilities and property; requiring County departments to adopt certain policies consistent with the County Executive's guidance on immigration enforcement at County facilities and property; limiting access to certain areas for immigration enforcement; declaring contracts in support of immigration enforcement void and unenforceable as against public policy; declaring that this Act is an Emergency Bill necessary to meet an immediate emergency affecting public health, safety, or welfare; and generally relating to the County Administration and immigration enforcement in the County.

Introduced and read first time _____, 2026. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2026.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2026 and Passed ___, Passed with amendments ___, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2026 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2026

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

WHEREAS, the number of detainees in U.S. Immigration and Customs Enforcement (ICE) custody has reached a new record high, surpassing seventy thousand for the first time in the deportation agency's twenty-three-year history; and

WHEREAS, another record: thirty-two people died in ICE custody in 2025, its deadliest year yet; and

WHEREAS, ICE has not paid third-party medical providers for detainee treatment in any of its more than two-hundred detention facilities since October 3, 2025; and

WHEREAS, in Howard County, since Donald Trump's second term began through October 2025, ICE has arrested at least forty persons, twenty-four of which resulted in deportation or voluntary removal for comparison for the time same period in 2024, ICE arrested only thirteen persons; and

WHEREAS, in 2025, more than half of those arrested in Howard County by ICE had no criminal record or pending charges; and

WHEREAS, current immigration enforcement poses a threat to the health, safety, and welfare of the people of Howard County.

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:

By amending:

Title 12 - "Health and Social Services"

Subtitle 21 - "Rights of Non-U.S. Citizens"

Section 12.100 -. “Definitions

Section 12.2109 -. “Directives to departments”

By adding:

Title 12 - "Health and Social Services"

Subtitle 2.- “Rights of Non-U.S. Citizens”

Section 12.2106 - “ICE Access in County facilities – warrant requirement”

Section 12.2107 - "Prohibition on use of County property for ICE enforcement"

Section 12.2108 - "Contracts with ICE -unconscionable"

By renumbering:

Title 12 - "Health and Social Services"

- Subtitle 21-. “Rights of non-U.S. Citizens”*
- Section 12.2106 -. “Penalty” to be Section 12.2108 “Penalty”*
- Section 12.2107 -. “Enforcement” to be Section 12.2109 “Enforcement”*
- Section 12.2108 -. “Changes in practices” to be Section 12.2111 “Changes in practices”*
- Section 12.2109 -. “Directives to departments” to be Section 12.2112 “Immigration enforcement guidance for county departments”*

Title 12. – Health and Social Services

Subtitle 21. Rights of Non-U.S. Citizens

Sec. 12.2100. Definitions.

(a) In this subtitle, the following words have the meanings indicated.

(b) *Agent* means any person employed by or acting on behalf of a department, including contractors or other individuals, organizations, businesses or other entities not considered employees as defined in this section.

(c) *COUNTY FACILITY* MEANS A BUILDING OWNED OR CONTROLLED BY HOWARD COUNTY THAT PROVIDES SERVICES TO THE PUBLIC.

(d) *COUNTY-OWNED OR COUNTY-CONTROLLED PROPERTY* MEANS REAL PROPERTY OWNED, LEASED, OR OPERATED BY HOWARD COUNTY.

(E) *CONTRACT MEANS AN AGREEMENT, ENFORCEABLE BY LAW, BETWEEN TWO OR MORE COMPETENT PARTIES, TO DO OR NOT TO DO SOMETHING NOT PROHIBITED BY LAW, FOR CONSIDERATION. A CONTRACT INCLUDES SUPPLEMENTAL AGREEMENTS TO ORIGINAL CONTRACTS.*

||(c)|| (F) (1) *Employee* means an individual who is considered to be an employee under the Howard County merit system.

(2) *Employee* includes, but is not limited to:

(i) An officer of the Howard County Police Department; and

(ii) An elected or appointed official.

1 [(d)](G) *Contractor* is a contractor hired by Howard County.

2 [(e)](H) *Department* means any County department, agency, division, commission, council,
3 committee, board, other body or person established by Charter, ordinance, Executive Order,
4 or County Council action.

5 [(f)](i) *Existing intergovernmental service agreement* means an executed written agreement
6 between Howard County and Immigration and Customs Enforcement in effect on the
7 effective date of the Act that enacted this Subtitle 21.

8 [(g)](J) (1) *Immigration enforcement* means a unit of the Federal government that enforces
9 immigration laws.

10 (2) *Immigration enforcement* includes, but is not limited to, the United States Department
11 of Homeland Security, Immigration and Customs Enforcement (ICE).

12 [(h)](K) *County resources* includes, but is not limited to, any County monies, facilities,
13 property, equipment, personnel, or other assets funded as a whole or in part by Howard
14 County.

15 [(i)](L) *Officer in charge* means the officer in charge of the Police Department officers assigned
16 to the task force, the Chief of Police, or County Sheriff.

17 (M) *STAGING AREA* MEANS AN AREA USED TO ASSEMBLE, MOBILIZE, DEPLOY VEHICLES,
18 EQUIPMENT, MATERIALS OR PERSONNEL FOR CARRYING OUT CIVIL IMMIGRATION
19 ENFORCEMENT OPERATIONS.

20 **Sec. 12.2101. Federal or State preemption.**

21 (a) A provision of this subtitle shall not apply whenever the provision is preempted by State or
22 Federal law, international treaty[], or an existing intergovernmental service agreement
23 between Howard County and Immigration and Customs Enforcement[]].

24 (b) This subtitle does not prohibit the Howard County Police Department from:

25 (1) Investigating or arresting violators of the State or local criminal law; or
26 (2) Assisting a Federal agency with investigations or arrests relating to criminal activity, or
27 suspected criminal activity, other than violations of the immigration and nationality
28 laws of the United States.

(3) Participating in task forces with other jurisdictions to investigate, enforce, and prosecute criminal activity, even if the task force includes immigration enforcement, provided that County resources are not used for the purpose of civil immigration enforcement.

(i) When participating in a task force under this provision, the County Police Department shall not disclose any information regarding the citizenship, nationality, or immigration status of an individual to another local, state, or Federal agency.

(ii) When participating in a task force under this provision, section 12.2103 shall be enforced so as to require that the County Police Department officers and officials, except as authorized in section 12.2103(b), shall not ask any person about his or her citizenship, nationality, or immigration status, nor ask any person about the citizenship, nationality, or immigration status of another person.

(iii) When participating in a task force under this provision, if at any time an officer in charge of the County Police Department reasonably believes that the task force is not primarily acting to investigate or enforce criminal law, but instead as a pretext for immigration enforcement, the County Police Department shall immediately cease assistance and withdraw from the task force.

This subtitle does not prohibit disclosure of information regarding citizenship or immigration status if the disclosure is:

- (1) Required by County, State, or Federal law, international treaty[], or an existing intergovernmental service agreement between Howard County and Immigration and Customs Enforcement]];
- (2) Required under section 23-1405 of the Alcoholic Beverages Article of the Maryland Code;
- (3) Authorized in writing by the subject of the information; or
- (4) Made to the United States Department of State in connection with an application for a United States passport.

Sec. 12.2102. No enforcement of immigration laws.

(a) When acting within the scope of employment, an employee, department, or agent shall not engage in the enforcement of the immigration and nationality laws of the United States and shall not assist immigration enforcement in the investigation or arrest of a person for a civil or criminal violation of the immigration and nationality laws of the United States, except as required by State or Federal law, international treaty, or an existing agreement between the County and a Federal, State, or local agency.

(b) (1) When acting within the scope of employment, an employee, department, or agent shall not assist immigration enforcement in the collection or distribution of information about any person, except as required by State or Federal law, international treaty, or an existing agreement between the County and a Federal, State, or local agency.

(2) The prohibitions in paragraph (1) of this subsection include prohibiting:

- (i) The disclosure of information about any person to immigration enforcement; or
- (ii) The expenditure of County resources to assist or facilitate civil immigration enforcement, unless the employee action is expressly authorized under this subtitle.

Sec. 12.2103. Prohibition on inquiries related to citizenship, nationality or immigration status.

(a) Except as provided in subsection (b) of this section, when acting within the scope of employment, an employee, department, or agent of Howard County shall not ask any person about:

(1) His or her citizenship, nationality, or immigration status; or

(2) The citizenship or immigration status of another person.

(b) This section does not prohibit:

(1) The collection of information regarding citizenship status in connection with the registration or attempted registration to vote in County elections;

(2) Inquiries regarding the citizenship of applicants for positions as sworn officers with the Howard County Police Department or the Howard County Department of Corrections;

- (3) The collection of information in connection with applications for United States passports;
- (4) Inquiries regarding the citizenship or immigration status of employees and applicants for employment with the County as required by Title 8, Chapter 12, Subchapter II, Part VIII, of the United States Code; or
- (5) Responding to inquiries regarding citizenship or immigration status in compliance with State or Federal law, including 8 U.S. Code § 1373 or international treaty, provided that responding to such inquiries does not include the gathering of the citizenship or immigration status of any individual or other expenditure of county resources prohibited under this subtitle.

Sec. 12.2104. Discrimination based on citizenship, nationality or immigration status prohibited.

When acting within the scope of employment, an employee, department or agent of Howard County shall not discriminate against any person on the basis of citizenship, nationality, or migration status.

Sec. 12.2105. Confidentiality of information about citizenship status.

Employees, departments, and agents of Howard County shall not disclose any information regarding the citizenship, nationality, or immigration status of an individual to a third party except as provided in section 12.2101(c) of this section.

**SEC. 12.2106. IMMIGRATION AND CUSTOMS ENFORCEMENT ACCESS IN COUNTY FACILITIES –
WARRANT REQUIREMENT.**

(A) WHEN ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT, A COUNTY EMPLOYEE, AGENT, OR CONTRACTOR SHALL NOT GRANT AN IMMIGRATION AND CUSTOMS ENFORCEMENT OR CUSTOMS AND BORDER CONTROL (COLLECTIVELY, ICE) OFFICER ACCESS OR ASSIST AN ICE OFFICER IN ENTERING ANY PORTION OF A COUNTY FACILITY THAT IS NOT ACCESSIBLE TO THE GENERAL PUBLIC, UNLESS:

(1) THERE ARE EXIGENT CIRCUMSTANCES; OR

(2) THE OFFICER PRESENTS A VALID WARRANT ISSUED BY A FEDERAL COURT.

1 (B) NOTHING IN THIS SECTION AUTHORIZES A COUNTY EMPLOYEE, AGENT, OR CONTRACTOR TO
2 INTERFERE WITH, RESTRICT, TO IMPEDE AN IMMIGRATION OFFICER WHEN ACCESS HAS BEEN
3 DENIED OR CONSENT TO ENTRY HAS BEEN WITHHELD.

4 **SEC. 12.2107. USE OF COUNTY PROPERTY FOR ICE ENFORCEMENT-PROHIBITION.**

5 (A) NO COUNTY-OWNED OR COUNTY-CONTROLLED PARKING LOT, GARAGE, OR VACANT LOT
6 SHALL BE USED FOR ICE ENFORCEMENT ACTIVITIES, INCLUDING SURVEILLANCE, STAGING,
7 PROCESSING, DETENTION, OR VEHICLE STORAGE, UNLESS REQUIRED BY LAW OR
8 AUTHORIZED BY A VALID JUDICIAL WARRANT.

9 (B) NO AREA OR SPACE IDENTIFIED UNDER SUBSECTION (D) OF THIS SECTION IS AVAILABLE TO
10 THE GENERAL PUBLIC FOR SIMILAR ACTIVITIES; IN ADDITION, FEDERAL, STATE OR LOCAL
11 GOVERNMENT ENTITIES OR PERSONNEL WILL NOT RECEIVE SPECIAL OR ENHANCED ACCESS
12 TO COUNTY PROPERTY FOR CIVIL IMMIGRATION ENFORCEMENT OPERATIONS.

13 (C) THIS SECTION DOES NOT APPLY TO:

14 (1) ANY TEMPORARY ACCESS NECESSARY TO ADDRESS AN IMMEDIATE THREAT TO
15 PUBLIC SAFETY; OR

16 (2) PUBLICLY AVAILABLE AREAS OPEN TO THE GENERAL PUBLIC WHERE THE COUNTY
17 LACKS LEGAL AUTHORITY TO RESTRICT ENTRY.

18 (D) THE COUNTY EXECUTIVE SHALL IDENTIFY ALL COUNTY-OWNED OR COUNTY-CONTROLLED
19 PARKING LOTS, VACANT LOTS, OR GARAGES THAT EITHER HAVE BEEN USED OR ARE LIKELY
20 TO BE USED IN THE FUTURE AS A STAGING AREA, PROCESSING LOCATION, OR OPERATIONS
21 BASE FOR CIVIL IMMIGRATION ENFORCEMENT.

22 (E) THE COUNTY EXECUTIVE MUST ENSURE THAT ALL SUCH COUNTY PROPERTIES IDENTIFIED
23 UNDER SUBSECTION (D) OF THIS SECTION HAVE CLEAR SIGNAGE STATING:

24 “THIS PROPERTY IS OWNED OR CONTROLLED BY HOWARD COUNTY. IT MAY NOT BE
25 USED FOR CIVIL IMMIGRATION ENFORCEMENT AS A: STAGING AREA, PROCESSING
26 LOCATION, OR OPERATIONS BASE.”

27 (F) REPORTING UNAUTHORIZED USE. A COUNTY EMPLOYEE WHO BECOMES AWARE OF THE
28 UNAUTHORIZED USE OF COUNTY-OWNED OR COUNTY-CONTROLLED PROPERTY UNDER THIS

1 SECTION, SHALL IMMEDIATELY REPORT THE VIOLATION TO THE EMPLOYEE'S DEPARTMENT
2 DIRECTOR. UPON RECEIVING A REPORT OF A VIOLATION UNDER THIS SECTION, THE
3 DEPARTMENT DIRECTOR SHALL IMMEDIATELY NOTIFY THE COUNTY EXECUTIVE, THE CHIEF
4 ADMINISTRATIVE OFFICER, AND THE COUNTY SOLICITOR. A REPORTED VIOLATION SHALL
5 INCLUDE AS MUCH INFORMATION AS POSSIBLE, INCLUDING TIME, LOCATION, AND A
6 DESCRIPTION OF WHAT WAS OBSERVED. FAILURE TO REPORT AN UNAUTHORIZED USE OF
7 PROPERTY MAY RESULT IN DISCIPLINARY ACTION.

8 **SEC. 12.2108 CONTRACTS WITH ICE -UNCONSCIONABLE.**

9 (A) ANY CONTRACT FOR MATERIAL, SERVICES OR OTHER WORK PERFORMED IN HOWARD
10 COUNTY FOR THE BENEFIT OF ICE OR ANY ENTITY ACTING ON BEHALF OF ICE SHALL BE
11 VOID AND UNENFORCEABLE AS A MATTER OF PUBLIC POLICY.

12 **Sec. [[12.2106.]]12.2109. Penalty.**

13 An employee who violates this subtitle shall be sanctioned in accordance with the rules and
14 regulations of the personnel system and applicable law.

15 **Sec. [[12.2107.]]12.110. Enforcement.**

16 (a) Complaints of noncompliance with this subtitle shall be filed with the Office of Human
17 Rights and Equity and the Department of County Administration.
18 (b) The Office of Human Rights and Equity and the Department of County Administration shall
19 review the compliance of the County departments, agencies, commissions and employees
20 with the mandates of this subtitle when there is question of noncompliance or when a
21 complaint alleging noncompliance has been lodged.

22 **Sec. [[12.2108.]]12.111. Changes in practices.**

23 (a) Whenever the County Solicitor learns of a State or Federal law or international treaty that
24 may preempt this subtitle, the County Solicitor shall advise the County Council and the
25 County Executive:
26 (1) About the law or treaty; and
27 (2) Whether the County should change any practices under or provisions of this subtitle.

1 (b) The County Executive shall notify the public of any changes in practices made as a result of
2 this section.

3 **Sec. [[12.2109. Directives to departments.]] 12.2112. IMMIGRATION ENFORCEMENT**

4 **GUIDANCE FOR COUNTY DEPARTMENTS.**

5 (A) GUIDANCE BY THE COUNTY EXECUTIVE. THE COUNTY EXECUTIVE, IN CONSULTATION
6 WITH THE OFFICE OF LAW, SHALL CREATE AND PUBLISH IMMIGRATION ENFORCEMENT
7 GUIDANCE FOR COUNTY EMPLOYEES, AGENTS, AND CONTRACTORS. THIS GUIDANCE MUST:
8 (1) ESTABLISH AN IMMIGRATION ENFORCEMENT ACTION PLAN THAT PROVIDES A STEP-
9 BY-STEP PROCESS IF ICE CONTACTS, VISITS, FILES AN APPLICATION OR ANY OTHER
10 DOCUMENTATION WITH, OR IN ANY WAY INTERACTS WITH A COUNTY FACILITY,
11 DEPARTMENT, OR INSTRUMENTALITY;
12 (2) INDICATE THE PROCESS A FACILITY SHOULD USE WHEN DESIGNATING CERTAIN
13 AREAS FOR PUBLIC OR NON-PUBLIC USE;
14 (3) INCLUDE MODEL POLICES AND SAMPLE SCRIPTS COVERING VARIOUS SCENARIOS
15 INVOLVING POTENTIAL INTERACTION WITH ICE;
16 (4) EXPLAIN HOW TO DISTINGUISH BETWEEN DIFFERENT TYPES OF WARRANTS AND
17 CIVIL DETAINERS;
18 (5) INCLUDE POLICIES AND PRACTICES FOR DEPARTMENTS TO GUIDE INTERACTIONS
19 BETWEEN COUNTY EMPLOYEES, CONTRACTORS, AND AGENTS AND ICE OFFICIALS,
20 ENSURING THAT IMMIGRATION ENFORCEMENT ACTIVITIES ARE CARRIED OUT IN THE
21 LEAST DISRUPTIVE AND SAFEST POSSIBLE MANNER;
22 (6) INCLUDE MEASURES THAT WOULD LIMIT THE EXPOSURE TO LEGAL LIABILITY FOR
23 COUNTY STAFF AT COUNTY FACILITIES; AND
24 (7) INCLUDE RECOMMENDATIONS FOR COMPLYING WITH EXISTING LEGAL OBLIGATIONS
25 AND LIMITATIONS AT COUNTY FACILITIES WHILE BALANCING PUBLIC SAFETY AND
26 ACCESSIBILITY AT THOSE FACILITIES.

27
28 [[(a) All departments shall:]](b) RESPONSIBILITIES OF EACH DEPARTMENT. UNLESS OTHERWISE
29 REQUIRED BY STATE LAW, ALL DEPARTMENTS SHALL:

1 (1) Develop policies consistent with implementation of this [[Act]] SUBTITLE within 90
2 days;

3 (2) Make policies developed by departments publicly available;

4 (3) Report to the County Council and County Executive every six months the number of
5 requests received from immigration enforcement officials and the manner in which
6 each request was handled, as well as whether any County employee, agent, officer or
7 official violated any section of this subtitle; [[and]]

8 (4) Respond to any request for information for matters covered under this subtitle by the
9 County Council or the County Executive within a reasonable time not to exceed 15
10 days[[.]];

11 (5) ENSURE COUNTY EMPLOYEES, AGENTS, AND CONTRACTORS ARE TRAINED ON THE
12 COUNTY EXECUTIVE'S POLICIES AND GUIDANCE;

13 (6) DESIGNATE A SUPERVISOR OR MANAGER TO SERVE AS THE DESIGNATED OFFICIAL
14 RESPONSIBLE FOR HANDLING ANY INTERACTION BY ICE WITH ANY DEPARTMENT,
15 AGENCY, OR INSTRUMENTALITY OF THE COUNTY;

16 (7) PROVIDE A PHONE NUMBER FOR FRONTLINE STAFF TO CONTACT A DESIGNATED OFFICIAL
17 AT ANY TIME;

18 (8) WHERE APPLICABLE, IDENTIFY AREAS THAT ARE OPEN TO THE GENERAL PUBLIC AND
19 POST SIGNAGE AT THE ENTRANCE THAT STATES: "NOT OPEN TO THE PUBLIC". YOU DO
20 NOT HAVE CONSENT TO ENTER FOR CIVIL IMMIGRATION ENFORCEMENT PURPOSES
21 WITHOUT AUTHORIZATION FROM A DESIGNATED OFFICIAL;

22 (9) IMMEDIATELY NOTIFY THE COUNTY EXECUTIVE, COUNTY ADMINISTRATIVE OFFICER,
23 AND THE COUNTY SOLICITOR OF ANY CONTACT, VISIT, APPLICATION OR DOCUMENT
24 FILED BY, OR ANY OTHER INTERACTION WITH ICE.

25 (10) INCLUDE ANY OTHER DEPARTMENT-SPECIFIC MEASURES TO ASSIST COUNTY STAFF IN
26 THE INTERACTION WITH ICE.

27 (c) *SIGNAGE FOR PRIVATE USE.* THE COUNTY EXECUTIVE SHALL DEVELOP A SIGNAGE TEMPLATE
28 AVAILABLE ON THE COUNTY'S WEBSITE FOR THE USE OF BUSINESS OWNERS AND

1 LEASEHOLDERS. THE OWNER OR LESSEE MAY CHOOSE TO USE THE SIGNAGE TEMPLATE TO
2 IDENTIFY AND LAWFULLY RESTRICT NON-PUBLIC AREAS IN WHICH THEY WOULD PROHIBIT
3 ACTIVITIES RELATED TO CIVIL IMMIGRATION ENFORCEMENT.

4 (D) *EXECUTIVE REGULATIONS.* THE COUNTY EXECUTIVE SHALL, IN ACCORDANCE WITH THE
5 ADMINISTRATIVE PROCEDURES ACT, TITLE 2, SUBTITLE 1 OF THIS CODE, ESTABLISH
6 REGULATIONS AND STANDARDS AS NECESSARY TO ACCOMPLISH THE PURPOSES AND INTENT OF
7 THIS SUBTITLE. THE REGULATIONS MUST BE AT LEAST AS STRINGENT AND CONSISTENT WITH
8 THIS SUBTITLE.

9 [[(b)]] (E) Policies developed by departments must delineate employment consequences for
10 failure to comply with developed policies.

11
12 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
13 ***this Act is adopted as an emergency measure to address an immediate emergency affecting the***
14 ***public health, safety, or welfare and, having passed, by two-thirds of its members, this Act shall***
15 ***be effective immediately upon its enactment.***