



## House Bill 1536

### *Maryland Enforcement Limits and Transparency (MELT) Act*

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: March 11, 2026

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** HB 1536. This bill alters how county employees, private contractors, and various members of the public interact with federal agents and agencies while attempting to knowingly comply with immigration and customs enforcement. Additionally, the bill establishes new private and public rights of action that can be brought in the instance that a person knowingly violates the new standard of cooperation with federal enforcement.

**Primarily, HB 1536 puts counties at risk of having to fund lawsuits and settlements regarding the actions of sheriffs and their deputies, who are state employees that are merely providing a service for county governments. Holding the counties responsible for actions taken by a state employee attempting to fulfill their state sanctioned role, in the performance of a county specific function that clearly bans the practice, is an unfair penalty, with potentially far-reaching consequences.**

The requirements in the bill that would trigger penalties and consequences against a local government employee or representative are clear in that the cause of action must be taken knowingly and, therefore, against policy. This would typically bring the cause of action outside the scope of work for an individual and therefore not subject local governments to increased liability. Implementation of HB 1536 would be difficult and complicated, due to the dynamics of the parties subject to the law - mainly, agents of state and local governments tasked with ensuring public safety - and the interpretation of these specific roles and responsibilities.

In recent weeks, some Maryland sheriffs and their deputies have publicly shared their belief that bills like HB 1536 run counter to their obligation as a constitutionally elected entity of the state. In instances where they interpret their duty to require action, and it is within the scope of their work while conducting law enforcement or detention center duties, county governments are responsible for any claims brought in those circumstances. Based on current law, a judge could interpret these actions as within the scope of work and taken in good faith. In the absence of a strong clarification in current statute - one directly precluding this type of action from the responsibility of sheriffs, and their deputies, as constitutional office holders - HB 1536 puts county governments in a position to potentially defend, settle, and fund numerous claims, without having the authority to prevent the occurrence in the first place.

Additionally, there are meaningful ramifications of the bill in multiple detention centers with county run facilities, where there is no sheriff department involvement. A number of these programs have relationships with US Immigration and Customs Enforcement (ICE) and voluntarily communicate in narrow but specified circumstances if an individual in custody fits a set of qualifications. Usually, when individuals in custody have demonstrated histories of serious or violent criminal activity and are

unlawfully present, voluntary communication with ICE would take place, regardless of an active warrant or detainer. The provisions of HB 1536 would require those voluntary relationships to be severed and could inadvertently expose communities to increased violence or harm. The bill makes this the case even if a standard search for any pending warrants yields a positive return for an ICE detainer that has not been exercised.

It is important to address the question of how best to maintain communication with federal agencies while ensuring the highest standards for public safety in Maryland, particularly in the unique space that sheriffs, deputies, and officers occupy. HB 1536 seeks to thread that needle, but with the level of consequences assigned in the bill, in conjunction with the variance in interpretation as to how public safety should be maintained, it creates a potentially impossible situation for local and state officials. A bill looking to navigate this fine balance demands more clarifications and, potentially, flexibility if the bill were to become law. Accordingly, MACo urges an **UNFAVORABLE** report on HB 1536.