

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED BILL 35-25: COUNTY ADMINISTRATION – IMMIGRANT PROTECTIONS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 35-25 will have a positive impact on racial equity and social justice (RESJ) in the County. Bill 35-25 will disproportionately benefit Black, Indigenous, and Other People of Color (BIPOC) community members who are immigrants by strengthening the County’s trust policy and codifying the policy into County law.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF EXPEDITED BILL 35-25

Throughout the U.S., many jurisdictions have adopted policies to help build trust between immigrant communities and government. Sanctuary policies, sometimes also referred to as trust policies, specifically aim to build trust by limiting the involvement of state and local jurisdictions in federal immigration enforcement. As noted by the American Immigration Council, sanctuary policies vary from jurisdiction to jurisdiction and do not have a standard definition. However, across jurisdictions, sanctuary policies typically limit government cooperation with federal immigration officials while not preventing their immigration enforcement activities.³

In 2019, the County Executive adopted a trust policy for the County through the Promoting Community Trust Executive Order.⁴ If enacted, Bill 35-25, the Promoting Community Trust – Immigrant Protections Act, would update some parts of the current trust policy and codify the policy into County law. As noted in the introduction staff report, Bill 35-25 is intended “to ensure that immigrant communities can engage with County departments – including public safety departments – without fear that the engagement would be used in civil immigration enforcement or in a discriminatory way.”⁵

Figure A in the Appendix describes:

- The main policy components of Bill 35-25;
- What would be required under each component if Bill 35-25 is enacted; and
- If and how Bill 35-25 changes the current trust policy.

The Council introduced Expedited Bill 35-25 on December 9, 2025.

RESJ Impact Statement

Expedited Bill 35-25

This RESJIS builds on those for Bills 26-24 and 30-25, which OLO published in December 2024 and October 2025, respectively.⁶⁷ Please refer to the RESJIS for Bill 26-24 for background on undocumented community members and racial equity.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 35-25 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

Community members who are immigrants, especially those who are undocumented, would benefit from strengthening the protections in the County's trust policy and codifying the policy into County law. As shown in Table A (Appendix), Asian and Latinx community members are overrepresented among community members born outside the U.S. They are also overrepresented among community members who are not U.S. citizens. Conversely, Black, Native American, and Pacific Islander community members are proportionately represented among community members born outside the U.S. and those who are not U.S. citizens. While White community members are largely underrepresented among community members born outside the U.S. and those who are not U.S. citizens. As noted in the RESJIS for Bill 26-24, community members who are not U.S. citizens include community members who have legal status in the U.S. and undocumented community members who do not have legal status. Estimates from the Migration Policy Institute suggest undocumented community members in the County are disproportionately Latinx.^{8,9}

As noted in the RESJIS for Bill 30-25, aggressive immigration enforcement in the County and throughout the country has created a heightened state of fear within Latinx communities as they have been targeted by indiscriminate and violent immigration enforcement.¹⁰ Black community members are also disproportionately burdened by aggressive immigration enforcement.^{11,12,13} Adopting sanctuary policies are a best practice for jurisdictions to strengthen trust, safety, and well-being among community members who are immigrants. As noted by the National Immigration Law Center, research shows that "state and local policies that welcome immigrants make our communities safer, healthier, and more prosperous."¹⁴

The changes proposed in Bill 35-25 (Figure A, Appendix) strengthen the County's current trust policy by:

- Limiting cooperation between the County's Department of Corrections and Rehabilitation (DOCR) and immigration enforcement officials and increasing transparency on immigration enforcement requests to individuals in the County's custody;
- Adding protections for sensitive locations, including schools, libraries, courthouses, and government-operated healthcare facilities; and
- Adding regular reporting to the Council that increases transparency to the community on requests the County has received from immigration enforcement officials and how the requests were handled.

Further, codifying the trust policy into County law will ensure the policy is permanent and consistently followed across future County Executive administrations.

Therefore, OLO anticipates Expedited Bill 35-25 will have a positive impact on RESJ in the County.

RESJ Impact Statement

Expedited Bill 35-25

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.¹⁵ OLO anticipates Expedited Bill 35-25 will have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Figure A. Policy Components of Expedited Bill 35-25 and Changes to Current Trust Policy

Policy Component	Requirements if Enacted	Changes to Current Trust Policy?
Inquiries about immigration status	<ul style="list-style-type: none">County employees prohibited from inquiring about an individual's immigration status unless required by state or federal law, a judicial order, or international treaty.County employees prohibited from threats, discrimination, or intimidation based on an individual's immigration status or perceived status.	No
County benefits	<ul style="list-style-type: none">County employees and departments prohibited from conditioning County benefits, opportunities, or services upon immigration status, unless required to do so by applicable law or judicial order.County required to accept photo identification from an individual's country of origin or from a non-profit organization pre-approved by the Chief Administrative Officer where a Maryland-issued identification card is accepted as proof of identity.	No
Law enforcement	<ul style="list-style-type: none">County prohibited from arresting, stopping, or detaining individuals	Yes – The current trust policy does not include guidelines for the Department of Corrections and

RESJ Impact Statement

Expedited Bill 35-25

Policy Component	Requirements if Enacted	Changes to Current Trust Policy?
	<p>for federal immigration enforcement operations.</p> <ul style="list-style-type: none"> For individuals who are arrested, County prohibited from contacting immigration enforcement officials about individual except in compliance with a valid judicial warrant. For individuals who are detained, County must release the individual as required by law and not delay their release at the administrative request of immigration enforcement officials. For individuals who are detained, County prohibited from notifying immigration enforcement officials of impending release of individual from custody unless they have been convicted of certain crimes.¹⁶ If County receives administrative request from immigration enforcement officials regarding an individual in custody, County must provide a copy of request to individual within 48 hours. 	<p>Rehabilitation (DOCR) to communicate with immigration enforcement officials. In practice, DOCR currently notifies immigration enforcement officials of an individual's impending release if they are charged with or convicted of certain crimes.</p> <p>The current trust policy also does not require the County to provide a copy of an administrative request from immigration enforcement officials to the individual in custody within 48 hours of receiving it.</p>
Access to County buildings and facilities	<ul style="list-style-type: none"> Immigration enforcement officials prohibited from accessing private spaces of sensitive locations,¹⁷ except where required by a valid judicial warrant or state law. County employees and departments prohibited from allowing immigration enforcement officials to access any portion of County building or facility that is not open to the general public. County employees and departments prohibited from allowing immigration enforcement officials to have access to a person in the detention or custody of the department. County employees and departments prohibited from 	<p>Yes – The current trust policy does not address sensitive locations, such as libraries and healthcare facilities.</p>

RESJ Impact Statement

Expedited Bill 35-25

Policy Component	Requirements if Enacted	Changes to Current Trust Policy?
	allowing immigration enforcement officials to use County facilities, information, or equipment.	
Intergovernmental agreements	<ul style="list-style-type: none"> County prohibited from entering into any intergovernmental agreements to detain individuals for civil immigration purposes or to otherwise participate in civil immigration enforcement. 	No
Confidentiality	<ul style="list-style-type: none"> County departments required to review applications, questionnaires, and other County forms to ensure that unnecessary questions about immigration status are deleted and that confidentiality is protected to the greatest extent permitted by law. 	No
Reporting requirements	<ul style="list-style-type: none"> County Executive required to report to Council every six months regarding the number of requests received from immigration enforcement officials and how the requests were handled. 	Yes – The current trust policy requires reporting from departments to the County Executive, and no requirement for the County Executive to report to Council.

Source: [Introduction Staff Report for Expedited Bill 35-25, Montgomery County Council, pgs. 2-3](#) and comments from Council staff to OLO staff on December 10, 2025.

Table A. Community Members Born Outside of the U.S by Race and Ethnicity, Montgomery County

Race or ethnicity	% Born Outside of U.S.	% Born Outside of U.S. and not a U.S. Citizen	% County Population
Asian	31.4	25.1	15.2
Black	19.5	17.1	18.6
Native American	0.7	0.7	0.5
Pacific Islander	0.0	0.0	0.0
White	19.6	17.6	44.4
Latinx	32.1	43.9	20.6

Source: [Table S0501, 2023 American Community Survey 5-Year Estimates, Census Bureau.](#)

¹ Definition of racial equity and social justice adopted from [Marlysa Gamblin et al., “Applying Racial Equity to U.S. Federal Nutrition Programs,” Bread for the World](#) and [Racial Equity Tools](#).

² Ibid.

³ “Sanctuary Policies: An Overview,” [American Immigration Council, February 21, 2025.](#)

⁴ [Introduction Staff Report for Expedited Bill 35-25, Montgomery County Council, Introduced December 9, 2025, pg. 1.](#)

⁵ Ibid, pgs. 1-2.

⁶ [RESJIS for Expedited Bill 26-24, Office of Legislative Oversight, December 17, 2024.](#)

RESJ Impact Statement

Expedited Bill 35-25

⁷ [RESJIS for Expedited Bill 30-25, Office of Legislative Oversight, October 21, 2025.](#)

⁸ RESJIS for Expedited Bill 26-24, pg. 2.

⁹ [Profile of the Unauthorized Population: Montgomery County, MD, Migration Policy Institute.](#)

¹⁰ RESJIS for Expedited Bill 30-25, pg. 2

¹¹ [Timantha Goff, et al., "Uncovering the Truth: Violence and Abuse Against Black Migrants in Immigration Detention," Black LGBTQIA+ Migrant Project, Black Alliance for Just Immigration, UndocuBlack Network, and Freedom for Immigrants, October 2022.](#)

¹² [Erica Bryant, "The Immigration System is Racist; Solutions Exist," Vera, August 16, 2023.](#)

¹³ [Adam Mahoney, "Black Undocumented Migrants Face Far Higher Deportation Rates," Capital B, June 18, 2025.](#)

¹⁴ [Isabel Mohyeddin, "Data Shows Sanctuary Policies Make Communities Safer, Healthier and More Prosperous," National Immigration Law Center, March 5, 2025.](#)

¹⁵ [Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County Council.](#)

¹⁶ Expedited Bill 35-25 would allow the County to inform immigration enforcement officials of the impending release of an individual from custody no earlier than 36 hours before their release if they have been convicted of certain crimes. These include crimes of violence under [Section 14-101 of the Criminal Law Article of the Maryland Code](#), drug kingpin, organization or supervision of criminal organization, homicide by motor vehicle or vessel while under the influence of alcohol, and others. Refer to Expedited Bill 35-25, Introduction Staff Report for Expedited Bill 35-25, pgs. 10-11.

¹⁷ Per state law, sensitive locations include public schools, public libraries, government-operated health care facilities, facilities operated by the comptroller, and courthouses. Refer to ["Immigration Guidance for Facilities that Serve the Public: Implementation of HB 1222," Maryland Office of the Attorney General, July 2025, pg. 3.](#)