

HOUSE BILL 351

E4

~~EMERGENCY BILL~~
ENROLLED BILL

(6lr1852)

— Judiciary/Judicial Proceedings —

Introduced by ~~Delegates Moon~~ **Delegates Moon, Moon, Charkoudian, and Martinez**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Public Safety – Federal Agents – Digital Unmasking~~
3 ~~Constitutional Rights – Violations and Digital Unmasking~~
4 Civil Actions – Violation of Constitutional Rights
5 (No Kings Act)

6 FOR the purpose of ~~authorizing an aggrieved party or the Office of the Attorney General to~~
7 ~~bring an action against a certain judicial officer who, under color of law, deprives~~
8 ~~another of a right, a privilege, or an immunity secured under law; authorizing the~~
9 ~~Office of the Attorney General, a State Prosecutor, or a State’s Attorney to direct the~~
10 ~~Maryland State Police certain State and local law enforcement agencies to gather~~
11 ~~and securely retain certain identifying digital data about a certain federal agent or~~
12 ~~federal agents judicial officer at a certain time; authorizing a certain complainant~~
13 ~~plaintiff to obtain certain identifying digital data only pursuant to in accordance with~~
14 ~~a court order issued in a certain case action; and generally relating to law~~
15 ~~enforcement officers violations of constitutional rights~~ *establishing certain civil*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



liability for an individual who, under color of law, deprives another, or causes or allows another to be deprived, of a right, a privilege, or an immunity secured by the U.S. Constitution or the laws of the United States; and generally relating to civil liability for the deprivation of rights.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–2701 and 3–2702 to be under the new subtitle “Subtitle 27. Action for Deprivation of ~~Constitutional~~ Rights”

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

~~BY adding to~~

~~Article – Public Safety~~

~~Section 3–535~~

~~Annotated Code of Maryland~~

~~(2022 Replacement Volume and 2025 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

SUBTITLE 27. ACTION FOR DEPRIVATION OF ~~CONSTITUTIONAL~~ RIGHTS.

3–2701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “~~JUDICIAL OFFICER~~” MEANS

(1) “COVERED OFFICER” MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN OFFICER WHO MAY:

~~(1)~~ (I) MAKE AN ARREST WITH OR WITHOUT A WARRANT FOR VIOLATIONS OF THE UNITED STATES CODE; AND

~~(2)~~ (II) CARRY FIREARMS IN THE PERFORMANCE OF THE OFFICER’S DUTIES.

(2) “COVERED OFFICER” DOES NOT INCLUDE A LAW ENFORCEMENT OFFICER, AS DEFINED IN § 1–101 OF THE PUBLIC SAFETY ARTICLE, ACTING UNDER THE AUTHORITY OF A JOINT TASK FORCE THAT PRIMARILY ENFORCES THE UNITED STATES CODE.

1 (C) “LAW” INCLUDES:

2 (1) THE U.S. CONSTITUTION; AND

3 (2) ~~THE MARYLAND DECLARATION OF RIGHTS;~~

4 (3) ~~THE MARYLAND CONSTITUTION;~~

5 (4) THE LAWS OF THE UNITED STATES; AND

6 (5) ~~THE LAWS OF MARYLAND.~~

7 3-2702.

8 (A) (1) AN AGGRIEVED PARTY OR THE OFFICE OF THE ATTORNEY
9 GENERAL MAY BRING AN ACTION AGAINST A ~~JUDICIAL OFFICER~~ COVERED OFFICER
10 WHO, UNDER COLOR OF LAW, DEPRIVES THE AGGRIEVED PARTY OR CAUSES OR
11 ALLOWS THE AGGRIEVED PARTY TO BE DEPRIVED OF A RIGHT, A PRIVILEGE, OR AN
12 IMMUNITY SECURED UNDER ~~LAW~~ THE LAW.

13 (2) AN AGGRIEVED PARTY OR THE OFFICE OF THE ATTORNEY
14 GENERAL MAY SEEK DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF IN AN
15 ACTION BROUGHT UNDER THIS SECTION.

16 (B) A DEFENDANT IN AN ACTION UNDER THIS SECTION MAY ASSERT ANY
17 DEFENSE OF IMMUNITY ~~OTHERWISE APPLICABLE AT THE TIME THE CAUSE OF~~
18 ~~ACTION ACCRUES~~ THAT WAS AVAILABLE AT THE TIME THE CAUSE OF ACTION
19 ACCRUED.

20 (C) A COURT MAY AWARD REASONABLE FEES AND COSTS, INCLUDING
21 ATTORNEY’S FEES AND EXPERT WITNESS FEES, TO A PREVAILING PLAINTIFF UNDER
22 THIS SECTION.

23 (D) (1) AN ACTION UNDER THIS SECTION SHALL BE FILED WITHIN 5
24 YEARS AFTER THE CAUSE OF ACTION ACCRUES.

25 (2) THIS SECTION MAY NOT BE CONSTRUED TO ABROGATE:

26 (I) ANY LOCAL GOVERNMENT LIABILITY UNDER STATE OR
27 COMMON LAW FOR THE ACTIONS OF STATE OR LOCAL GOVERNMENT EMPLOYEES;
28 OR

1 (II) ANY STATUTORY WAIVER OF ANY DEFENSE, INCLUDING
2 IMMUNITY.

3 ~~Article — Public Safety~~

4 ~~§ 535.~~

5 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
6 ~~INDICATED.~~

7 ~~(2) “FEDERAL AGENT” MEANS A FEDERAL LAW ENFORCEMENT~~
8 ~~OFFICER OR A PRIVATE CONTRACTOR HIRED BY THE DEPARTMENT OF HOMELAND~~
9 ~~SECURITY TO ASSIST IN FEDERAL LAW ENFORCEMENT.~~

10 ~~(3) “FEDERAL AGENT MISCONDUCT” MEANS:~~

11 ~~(I) USE OF EXCESSIVE FORCE BY A FEDERAL AGENT AGAINST A~~
12 ~~MEMBER OF THE PUBLIC;~~

13 ~~(II) ASSAULT OF A MEMBER OF THE PUBLIC BY A FEDERAL~~
14 ~~AGENT;~~

15 ~~(III) KIDNAPPING OR UNLAWFUL DETENTION OF A MEMBER OF~~
16 ~~THE PUBLIC BY A FEDERAL AGENT; OR~~

17 ~~(IV) ENGAGING IN ACTIONS BY A FEDERAL AGENT THAT LEAD TO~~
18 ~~A CREDIBLE COMPLAINT OF A CIVIL RIGHTS VIOLATION UNDER 42 U.S.C. § 1983.~~

19 ~~(4) (2) “IDENTIFYING DIGITAL DATA” MEANS DIGITAL~~
20 ~~INFORMATION THAT CAN HELP CONFIRM THE IDENTITY OF A FEDERAL AGENT~~
21 ~~JUDICIAL OFFICER WHO IS THE SUBJECT OF A COMPLAINT OF FEDERAL AGENT~~
22 ~~JUDICIAL OFFICER MISCONDUCT, INCLUDING:~~

23 ~~(I) LICENSE PLATE DATA;~~

24 ~~(II) CELL TOWER DATA;~~

25 ~~(III) CELL PHONE DATA;~~

26 ~~(IV) LOCATION DATA;~~

27 ~~(V) IMAGE SEARCH RESULTS DATA;~~

1 ~~(VI) GPS DATA;~~

2 ~~(VII) STINGRAY DATA;~~

3 ~~(VIII) FACIAL RECOGNITION DATA; AND~~

4 ~~(IX) ANY OTHER RECOVERABLE DATA THAT MAY HELP IDENTIFY~~
5 ~~FEDERAL AGENTS, JUDICIAL OFFICERS.~~

6 ~~(3) "JUDICIAL OFFICER" HAS THE MEANING STATED IN § 3-2701 OF~~
7 ~~THE COURTS ARTICLE.~~

8 ~~(4) "JUDICIAL OFFICER MISCONDUCT" MEANS CAUSING OR~~
9 ~~ALLOWING AN AGGRIEVED PARTY TO BE DEPRIVED OF A RIGHT, A PRIVILEGE, OR AN~~
10 ~~IMMUNITY SECURED UNDER LAW.~~

11 ~~(5) "LAW" HAS THE MEANING STATED IN § 3-2701 OF THE COURTS~~
12 ~~ARTICLE.~~

13 ~~(B) ON RECEIPT OF A COMPLAINT OF FEDERAL AGENT JUDICIAL OFFICER~~
14 ~~MISCONDUCT, THE OFFICE OF THE ATTORNEY GENERAL, A STATE PROSECUTOR,~~
15 ~~OR A STATE'S ATTORNEY MAY DIRECT THE MARYLAND STATE POLICE~~
16 ~~APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT AGENCY TO GATHER AND~~
17 ~~SECURELY RETAIN AS MUCH IDENTIFYING DIGITAL DATA AS POSSIBLE ABOUT THE~~
18 ~~FEDERAL AGENT JUDICIAL OFFICER OR FEDERAL AGENTS WHO ARE WHO IS THE~~
19 ~~SUBJECT OF THE FEDERAL AGENT JUDICIAL OFFICER MISCONDUCT COMPLAINT.~~

20 ~~(C) A COMPLAINANT PLAINTIFF MAY OBTAIN ACCESS TO THE IDENTIFYING~~
21 ~~DIGITAL DATA RELEVANT TO THE COMPLAINANT'S PLAINTIFF'S COMPLAINT ONLY~~
22 ~~PURSUANT TO IN ACCORDANCE WITH A COURT ORDER ISSUED IN: AN ACTION UNDER~~
23 ~~TITLE 3, SUBTITLE 27 OF THE COURTS ARTICLE.~~

24 ~~(1) A 42 U.S.C. § 1983 CIVIL RIGHTS CASE; OR~~

25 ~~(2) A CRIMINAL PROCEEDING INVOLVING THE SUBJECT OF THE~~
26 ~~FEDERAL AGENT MISCONDUCT COMPLAINT.~~

27 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
28 ~~October 1, 2026.~~

29 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
30 the application of any provision of this Act to any person or circumstance is held invalid for
31 any reason in a court of competent jurisdiction, the invalidity does not affect other
32 provisions or any other application of this Act that can be given effect without the invalid

1 provision or application, and for this purpose the provisions of this Act are declared
2 severable.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2026.

5 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency~~
6 ~~measure, is necessary for the immediate preservation of the public health or safety, has~~
7 ~~been passed by a ye-a and nay vote supported by three-fifths of all the members elected to~~
8 ~~each of the two Houses of the General Assembly, and shall take effect from the date it is~~
9 ~~enacted.~~

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.