

HOUSE BILL 1031

E4, E1

6lr3561

By: **Delegate Bartlett**

Introduced and read first time: February 9, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement – Use of Force – National Guard Members**

3 FOR the purpose of establishing certain use of force standards applicable to certain
4 National Guard members acting in the State; prohibiting a National Guard member
5 from violating the use of force standards, resulting in serious physical injury or death
6 to a person; and generally relating to use of force by law enforcement.

7 BY adding to

8 Article – Public Safety

9 Section 3–524.1

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2025 Supplement)

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

14 **Article – Public Safety**

15 **3–524.1.**

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (2) “NATIONAL GUARD MEMBER” MEANS A MEMBER OF THE
19 NATIONAL GUARD SUPPORTING OPERATIONS OR MISSIONS IN THE STATE AT THE
20 REQUEST OF THE PRESIDENT OF THE UNITED STATES OR THE SECRETARY OF
21 DEFENSE OF THE UNITED STATES UNDER 32 U.S.C. § 502.

22 (3) “SERIOUS PHYSICAL INJURY” HAS THE MEANING STATED IN §
23 3–201 OF THE CRIMINAL LAW ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) A NATIONAL GUARD MEMBER MAY NOT USE FORCE AGAINST A**
2 **PERSON UNLESS, UNDER THE TOTALITY OF THE CIRCUMSTANCES, THE FORCE IS**
3 **NECESSARY AND PROPORTIONAL TO:**

4 **(I) PREVENT AN IMMINENT THREAT OF PHYSICAL INJURY TO A**
5 **PERSON; OR**

6 **(II) EFFECTUATE A LEGITIMATE LAW ENFORCEMENT**
7 **OBJECTIVE.**

8 **(2) A NATIONAL GUARD MEMBER SHALL CEASE THE USE OF FORCE**
9 **AS SOON AS:**

10 **(I) THE PERSON ON WHOM THE FORCE IS USED:**

11 **1. IS UNDER THE NATIONAL GUARD MEMBER'S**
12 **CONTROL; OR**

13 **2. NO LONGER POSES AN IMMINENT THREAT OF**
14 **PHYSICAL INJURY OR DEATH TO THE NATIONAL GUARD MEMBER OR TO ANOTHER**
15 **PERSON; OR**

16 **(II) THE NATIONAL GUARD MEMBER DETERMINES THAT FORCE**
17 **WILL NO LONGER ACCOMPLISH A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.**

18 **(C) A NATIONAL GUARD MEMBER SHALL:**

19 **(1) WHEN TIME, CIRCUMSTANCES, AND SAFETY ALLOW, TAKE STEPS**
20 **TO GAIN COMPLIANCE AND DE-ESCALATE CONFLICT WITHOUT USING PHYSICAL**
21 **FORCE;**

22 **(2) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE BY**
23 **ANOTHER NATIONAL GUARD MEMBER BEYOND WHAT IS AUTHORIZED UNDER**
24 **SUBSECTION (B) OF THIS SECTION;**

25 **(3) RENDER BASIC FIRST AID TO A PERSON INJURED AS A RESULT OF**
26 **NATIONAL GUARD ACTION AND PROMPTLY REQUEST APPROPRIATE MEDICAL**
27 **ASSISTANCE; AND**

28 **(4) FULLY DOCUMENT ALL USE OF FORCE INCIDENTS THAT THE**
29 **NATIONAL GUARD MEMBER OBSERVED OR WAS INVOLVED IN.**

1 **(D) (1) A NATIONAL GUARD MEMBER MAY NOT INTENTIONALLY VIOLATE**
2 **SUBSECTION (B) OF THIS SECTION, RESULTING IN SERIOUS PHYSICAL INJURY OR**
3 **DEATH TO A PERSON.**

4 **(2) A NATIONAL GUARD MEMBER WHO VIOLATES PARAGRAPH (1) OF**
5 **THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
6 **TO IMPRISONMENT NOT EXCEEDING 10 YEARS.**

7 **(3) A SENTENCE IMPOSED UNDER THIS SUBSECTION MAY BE**
8 **SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR**
9 **ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SUBSECTION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2026.