

SENATE BILL 346

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6lr2224
CF HB 332

By: **Senators Waldstreicher and Smith**

Introduced and read first time: January 23, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Violation of Constitutional Rights**
3 **(No Kings Act)**

4 FOR the purpose of establishing certain civil liability for an individual who, under color of
5 law, deprives another of a right, a privilege, or an immunity secured by the U.S.
6 Constitution; and generally relating to civil liability for the deprivation of
7 Constitutional rights.

8 BY adding to

9 Article – Courts and Judicial Proceedings

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

12 Annotated Code of Maryland

13 (2020 Replacement Volume and 2025 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 **SUBTITLE 27. ACTION FOR DEPRIVATION OF CONSTITUTIONAL RIGHTS.**

18 **3–2701.**

19 **IN THIS SUBTITLE, “LAW” INCLUDES:**

20 **(1) THE U.S. CONSTITUTION;**

21 **(2) THE MARYLAND DECLARATION OF RIGHTS;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) THE MARYLAND CONSTITUTION;

(4) THE LAWS OF THE UNITED STATES; AND

(5) THE LAWS OF MARYLAND.

3-2702.

(A) (1) AN AGGRIEVED PARTY MAY BRING AN ACTION AGAINST AN INDIVIDUAL WHO, UNDER COLOR OF LAW, DEPRIVES THE AGGRIEVED PARTY OR CAUSES OR ALLOWS THE AGGRIEVED PARTY TO BE DEPRIVED OF A RIGHT, A PRIVILEGE, OR AN IMMUNITY SECURED BY THE U.S. CONSTITUTION.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN AN ACTION UNDER THIS SECTION, AN AGGRIEVED PARTY MAY SEEK DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF.

(3) IN AN ACTION UNDER THIS SECTION AGAINST A JUDICIAL OFFICER, INJUNCTIVE RELIEF IS AVAILABLE ONLY IF A DECLARATORY JUDGMENT IS VIOLATED OR DECLARATORY RELIEF IS UNAVAILABLE.

(B) (1) A DEFENDANT IN AN ACTION UNDER THIS SECTION MAY ASSERT A DEFENSE OF ABSOLUTE OR QUALIFIED IMMUNITY TO THE SAME EXTENT AS A PERSON SUED UNDER 42 U.S.C. § 1983 UNDER LIKE CIRCUMSTANCES.

(2) THIS SECTION MAY NOT BE CONSTRUED TO WAIVE OR ABROGATE ANY DEFENSE OF SOVEREIGN IMMUNITY OTHERWISE AVAILABLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COURT MAY AWARD REASONABLE FEES AND COSTS, INCLUDING ATTORNEY'S FEES AND EXPERT WITNESS FEES, TO A PREVAILING PLAINTIFF UNDER THIS SECTION.

(2) A COURT MAY NOT AWARD FEES OR COSTS UNDER THIS SECTION AGAINST A JUDICIAL OFFICER UNLESS THE JUDICIAL OFFICER ACTED CLEARLY IN EXCESS OF THE JUDICIAL OFFICER'S JURISDICTION.

(D) AN ACTION UNDER THIS SECTION SHALL BE FILED WITHIN 3 YEARS AFTER THE CAUSE OF ACTION ACCRUES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any civil action pending on the effective date of this Act.

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