

SENATE BILL 854

E4, E2

EMERGENCY BILL

6lr2939
CF 6lr2937

By: **Senator Sydnor**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Law Enforcement Officers – Restrictions**

3 FOR the purpose of establishing that a federal law enforcement officer’s powers granted
4 under a certain provision of law may be exercised only when the federal law
5 enforcement officer is acting in accordance with State law; prohibiting a law
6 enforcement officer from engaging in racial profiling; prohibiting a law enforcement
7 agency from taking retaliatory punitive action against a law enforcement officer who
8 discloses information concerning racial profiling; requiring a law enforcement agency
9 to develop and maintain a certain written policy on or before a certain date;
10 establishing civil causes of action for certain violations; prohibiting a law
11 enforcement officer from taking any action that is prohibited by State law under
12 certain circumstances; and generally relating to law enforcement officers.

13 BY repealing and reenacting, with amendments,

14 Article – Criminal Procedure
15 Section 2–104
16 Annotated Code of Maryland
17 (2025 Replacement Volume)

18 BY adding to

19 Article – Public Safety
20 Section 3–535 and 3–536
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2025 Supplement)

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

25 **Article – Criminal Procedure**

26 2–104.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “federal law enforcement officer” means an officer who may:

2 (1) make an arrest with or without a warrant for violations of the United
3 States Code; and

4 (2) carry firearms in the performance of the officer’s duties.

5 (b) (1) Subject to the limitations of paragraph (2) of this subsection, a federal
6 law enforcement officer may:

7 (i) make arrests as set forth in Subtitle 2 of this title; and

8 (ii) execute arrest and search and seizure warrants issued under the
9 laws of the State.

10 (2) A federal law enforcement officer may exercise the powers granted by
11 this subsection when:

12 (i) **THE FEDERAL LAW ENFORCEMENT OFFICER IS ACTING IN**
13 **ACCORDANCE WITH STATE LAW; AND**

14 **(II) 1.** the federal law enforcement officer is participating in a
15 joint investigation with officials from a State or local law enforcement unit;

16 **[(ii)] 2.** the federal law enforcement officer is rendering assistance
17 to a police officer;

18 **[(iii)] 3.** the federal law enforcement officer is acting at the request
19 of a local police officer or State Police officer; or

20 **[(iv)] 4.** an emergency [exists] **IS IN EFFECT UNDER § 14–107 OR**
21 **§ 14–111 OF THE PUBLIC SAFETY ARTICLE.**

22 (c) (1) A federal law enforcement officer who acts under the authority granted
23 by this section shall notify the following persons of an investigation, an enforcement action,
24 or a federal immigration enforcement action at a sensitive location, as defined in § 6–111
25 of the State Government Article:

26 (i) 1. the chief of police, if any, or chief’s designee, when in a
27 municipal corporation;

28 2. the police commissioner or police commissioner’s designee,
29 when in Baltimore City;

1 3. the chief of police or chief's designee, when in a county
2 with a county police department, except Baltimore City;

3 4. the sheriff or sheriff's designee, when in a county without
4 a county police department;

5 5. the Secretary of Natural Resources or Secretary's
6 designee, when on property owned, leased, operated by, or under the control of the
7 Department of Natural Resources; or

8 6. the chief of police of the Maryland Transportation
9 Authority or chief's designee, when on property owned, leased, operated by, or under the
10 control of the Maryland Transportation Authority, Maryland Aviation Administration, or
11 Maryland Port Administration; and

12 (ii) the Department of State Police barrack commander or
13 commander's designee, unless there is an agreement otherwise with the Department of
14 State Police.

15 (2) When the federal law enforcement officer participates in a joint
16 investigation with officials from a State or local law enforcement unit, the federal law
17 enforcement officer shall give the notice required under paragraph (1) of this subsection
18 reasonably in advance.

19 (d) A federal law enforcement officer who acts under the authority granted by this
20 section:

21 (1) has the same legal status as a police officer;

22 (2) has the same protections as a police officer under § 2-608 of the Courts
23 Article with regard to charging documents against police officers; and

24 (3) has the same immunity from liability described in § 5-611 of the Courts
25 Article.

26 (e) This section does not impose liability on or require indemnification by the
27 State or a local subdivision for an act performed by a federal law enforcement officer under
28 this section.

29 Article – Public Safety

30 **3-535.**

31 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
32 **INDICATED.**

1 **(2) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN §**
2 **2–608 OF THE COURTS ARTICLE.**

3 **(3) (I) “RACIAL PROFILING” MEANS RELYING, TO ANY DEGREE, ON**
4 **A PERSON’S ACTUAL OR PERCEIVED RACE, ETHNICITY, OR NATIONAL ORIGIN IN**
5 **TAKING ANY LAW ENFORCEMENT ACTION AGAINST THE PERSON.**

6 **(II) “RACIAL PROFILING” DOES NOT INCLUDE RELIANCE BY A**
7 **LAW ENFORCEMENT OFFICER ON A PERSON’S ACTUAL OR PERCEIVED RACE,**
8 **ETHNICITY, OR NATIONAL ORIGIN IN COMBINATION WITH OTHER IDENTIFYING**
9 **FACTORS WHEN THE LAW ENFORCEMENT OFFICER IS SEEKING TO APPREHEND A**
10 **SPECIFIC SUSPECT WHOSE RACE, ETHNICITY, OR NATIONAL ORIGIN IS PART OF THE**
11 **DESCRIPTION OF THE SUSPECT WANTED IN CONNECTION WITH A SPECIFIC**
12 **OFFENSE.**

13 **(B) A LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY MAY**
14 **NOT ENGAGE IN RACIAL PROFILING.**

15 **(C) A LAW ENFORCEMENT AGENCY MAY NOT TAKE RETALIATORY PUNITIVE**
16 **ACTION AGAINST A LAW ENFORCEMENT OFFICER WHO DISCLOSES INFORMATION**
17 **CONCERNING RACIAL PROFILING.**

18 **(D) (1) A PERSON HARMED BY A VIOLATION OF SUBSECTION (B) OR (C) OF**
19 **THIS SECTION MAY BRING A CIVIL ACTION IN THE CIRCUIT COURT WHERE THE**
20 **ALLEGED VIOLATION OCCURRED OR WHERE THE PLAINTIFF RESIDES.**

21 **(2) (I) A PLAINTIFF MAY ESTABLISH A VIOLATION OF THIS**
22 **SECTION THROUGH DIRECT OR CIRCUMSTANTIAL EVIDENCE.**

23 **(II) EVIDENCE OF ANIMUS IS NOT NEEDED TO ESTABLISH A**
24 **VIOLATION OF THIS SECTION.**

25 **(3) IF A COURT FINDS THAT A VIOLATION OF SUBSECTION (B) OR (C)**
26 **OF THIS SECTION OCCURRED, THE COURT MAY AWARD:**

27 **(I) COMPENSATORY DAMAGES;**

28 **(II) INJUNCTIVE RELIEF;**

29 **(III) REASONABLE ATTORNEY’S FEES AND LITIGATION**
30 **EXPENSES, INCLUDING EXPERT WITNESS FEES AND EXPENSES; AND**

31 **(IV) ANY OTHER APPROPRIATE RELIEF.**

1 **(E) ON OR BEFORE JANUARY 1, 2027, A LAW ENFORCEMENT AGENCY SHALL**
2 **DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT WITH THIS SECTION.**

3 **(F) THIS SECTION SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS**
4 **PURPOSE.**

5 **3-536.**

6 **A STATE OR LOCAL LAW ENFORCEMENT OFFICER MAY NOT TAKE ANY ACTION**
7 **PROHIBITED BY STATE LAW, EVEN WHEN ACTING UNDER COLOR OF FEDERAL LAW**
8 **PURSUANT TO AN AGREEMENT DEPUTIZING THE STATE OR LOCAL OFFICER.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
10 measure, is necessary for the immediate preservation of the public health or safety, has
11 been passed by a yea and nay vote supported by three-fifths of all the members elected to
12 each of the two Houses of the General Assembly, and shall take effect from the date it is
13 enacted.