

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1036  
Judiciary

(Delegate Bartlett)

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Office of the Attorney General - Independent Investigations Division - Federal  
Law Enforcement or Immigration Enforcement

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This emergency bill requires the Independent Investigations Division (IID) of the Office of the Attorney General (OAG) to investigate a death or serious physical injury if a person dies or sustains serious physical injury in connection with an interaction with federal law enforcement or federal immigration enforcement. After conducting an investigation, IID must submit a report to the Governor and the General Assembly setting forth the findings of the investigation. If the Attorney General determines that an investigation provides sufficient grounds for prosecution of a federal law enforcement officer or a federal immigration enforcement officer for the commission of a crime, the Attorney General must prosecute the case.

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**Fiscal Summary**

**State Effect:** It is generally anticipated that OAG can implement the bill using existing budgeted resources, as discussed below. Revenues are not affected.

**Local Effect:** The bill is not expected to materially affect local finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** IID is the primary investigative unit for police-involved incidents that result in the death of individuals or injuries likely to result in death. OAG must determine whether an incident is police-involved and whether an injury is likely to result in death. In addition, IID must investigate all police-involved incidents that result in the death of

individuals or injuries that are likely to result in the death of an individual. IID may investigate any other crimes related to police misconduct that are discovered during an investigation of these incidents. A State's Attorney may refer, for investigation by IID, a police-involved incident resulting in serious bodily injury to an individual that is not otherwise within IID's jurisdiction; however, IID may decline to investigate the referred incident. IID may investigate any other crime related to police misconduct that is discovered during these investigations (*i.e.*, investigations under IID's main jurisdiction and investigations of police-involved incidents referred to IID by a States' Attorney). In conducting these investigations, IID may act with the full powers, rights, privileges, and duties of a State's Attorney, including the use of a grand jury in any county. To investigate alleged criminal offenses committed by police officers, IID may (1) detail one or more police officers employed by the Department of State Police and (2) employ other civilian personnel as needed.

By January 31 each year, IID must report to the Governor and the General Assembly on the activities of the division in the prior calendar year, including (1) the number of investigations that were conducted by IID and (2) the number of prosecutions that were initiated as a result of an investigation by or a referral to IID.

**State Expenditures:** OAG advises that the expanded duties of IID under the bill require new staff. Specifically, it anticipates the need for three assistant Attorneys General, two investigators, and one paralegal, with associated expenditures of approximately \$1.0 million on an annual basis. OAG did not provide further justification for its estimate.

The Department of Legislative Services disagrees and advises that the need for *any* additional resources on a permanent basis – particularly at the magnitude indicated by OAG – is speculative. Based on current staffing levels and reported caseloads, IID can likely handle some additional cases. To the extent that a significant number of cases are referred to IID that cannot be handled by existing staff, OAG can request additional resources through the annual budget process.

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### Additional Information

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2026  
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