



# RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session  
SB0854

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## Public Safety - Law Enforcement Officers - Restrictions

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### Bill Summary

This emergency bill limits the exercise of powers granted to a federal law enforcement officer under § 2-104 of the Criminal Procedure Article to when the federal law enforcement officer is acting in accordance with State law (and meets one of four existing conditions, one of which – relating to when an emergency exists – is altered by the bill). The bill also (1) prohibits a State or local law enforcement officer from taking any action prohibited by State law, even when acting under color of federal law pursuant to an agreement deputizing the State or local officer; (2) prohibits a law enforcement officer or law enforcement agency from engaging in racial profiling; (3) prohibits a law enforcement agency from taking retaliatory punitive action against a law enforcement officer who discloses information concerning racial profiling; (4) establishes a civil cause of action for a person harmed by a violation of the bill’s prohibitions relating to racial profiling; (5) requires a law enforcement agency, by January 1, 2027, to develop and maintain a written policy consistent with these provisions; and (6) specifies that these provisions must be liberally construed to effectuate their purpose.

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### Racial Equity Impact Statement

The bill focuses primarily on regulating the scope and processes governing joint operations between federal, State, and local law enforcement agencies. In doing so, it places constraints on how these entities interact with the public while carrying out their core responsibilities, which may lessen both the actual and perceived risk of widespread constitutional violations, particularly for foreign-born individuals. The bill’s prohibition on racial profiling, along with the establishment of a State-level cause of action, creates a more direct legal pathway for individuals to seek redress and compensation for such violations. Additionally, provisions requiring whistleblower protections and mandating that State law enforcement agencies adopt written policies aligned with the bill’s requirements further reinforce safeguards for individual rights. These measures are expected to benefit Maryland residents broadly, with particular relevance for historically

underrepresented communities and immigrant populations. However, due to the bill's complexity and the absence of reliable data on racial profiling claims, complaints, or other civil rights violations, it is not possible to quantify the specific racial impacts at this time.

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## Analysis

### *Restrictions on Federal Law Enforcement Officers' Exercise of Power Under State Law*

Existing law governing federal law enforcement officer authority is outlined in § 2-104 of the Criminal Procedure Article. "Federal law enforcement officer" means an officer who may make an arrest with or without a warrant for violations of the U.S. Code and carry firearms in the performance of the officer's duties. A federal law enforcement officer may make arrests (as set forth in specified statutory provisions) and execute arrest and search and seizure warrants issued under the laws of the State. A federal law enforcement officer may exercise these powers when (1) participating in a joint investigation with officials from a State or local law enforcement unit; (2) rendering assistance to a police officer; (3) acting at the request of a local police officer or State Police officer; or (4) an emergency exists.

A federal law enforcement officer who acts under the authority granted by these provisions (1) has the same legal status as a police officer; (2) has the same protections as a police officer under specified existing statutory provisions with regard to charging documents against police officers; and (3) has the same immunity from liability under specified existing statutory provisions.

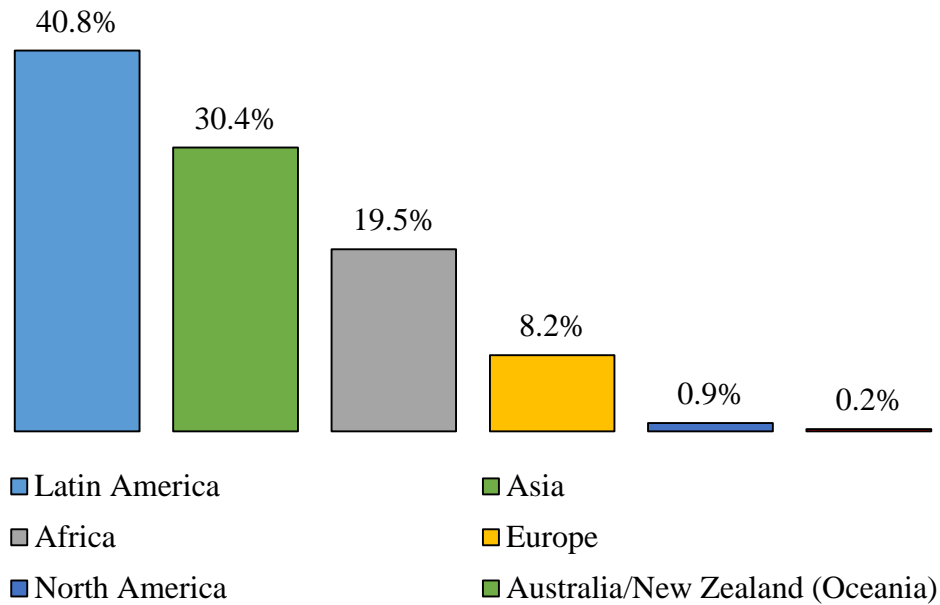
The bill significantly narrows the definition and scope of an "existing emergency" as one of the circumstances under which a federal law enforcement officer may exercise State arrest powers under § 2-104 to only apply when the Governor declares a state of emergency by executive order or proclamation. The bill also limits this grant of authority to federal officers to only in circumstances where the federal law enforcement officer is acting in accordance with State law.

Since 2025, increased, high-profile, and highly visible federal immigration operations have occurred in several states, including Illinois, Louisiana, Maine, Massachusetts, Minnesota, and North Carolina, and there is growing concern that these operations may sometimes involve excessive use of force and arrests or detainments that do not comply with the Fourth Amendment and other laws.

The bill may reduce the scope of federal law enforcement operations, such as those described above, and may impact communities in the State who are concerned that individuals with legal status or citizenship may be misidentified as undocumented immigrants or otherwise not in compliance with existing immigration law. The U.S. Census Bureau's 2024 American Community Survey five-year estimates show that Maryland's foreign-born population is approximately 1.1 million people, representing about 17% of the State's total population. This percentage is higher than the national average. The foreign-born population includes naturalized U.S. citizens, lawful permanent immigrants (or green-card holders), refugees and asylees, certain legal nonimmigrants (including those on student, work, or some other temporary visas), as well as persons residing in the country without authorization. **Exhibit 1** shows the breakdown of foreign-born individuals in the State by region of birth.

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**Exhibit 1**  
**Maryland Foreign-born Population**  
**2024**



Source: U.S. Census Bureau

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It is important to note that, regardless of the bill, federal law enforcement officers have full authority to enforce federal law, including federal immigration law. Under the bill, federal law enforcement officers would only have the powers granted under federal statute when conducting activities in the State if they are acting in *active cooperation* with State or local law enforcement or the Governor has declared an emergency.

*Restrictions on Deputized State and Local Law Enforcement Officers' Exercise of Power*

The bill also restricts the activity of State and local law enforcement officers who have been deputized as federal officers by prohibiting them from engaging in any activity that would violate State law. This provision would limit State and local law enforcement's participation in federal enforcement activities conducted by federal law enforcement agencies in the State. For example, under the bill, even when deputized as a federal officer, State and local law enforcement officers must follow specific rules and procedures for executing a no-knock warrant under State law. These rules include time restrictions for performing the activity, uniform requirements, and body-worn camera requirements in some circumstances. The bill's impact in this regard is similar to the potential effects discussed above regarding the bill's limitations on federal law enforcement officers working jointly with State and local law enforcement.

## *Prohibition on Racial Profiling*

The bill expressly prohibits racial profiling by law enforcement officers in the State. “Racial profiling” means relying, to any degree, on a person’s actual or perceived race, ethnicity, or national origin in taking any law enforcement action against the person. It does not include reliance by a law enforcement officer on a person’s actual or perceived race, ethnicity, or national origin in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect wanted in connection with a specific offense.

Existing law requires the Maryland Police Training and Standards Commission (MPTSC), in consultation with the Maryland Statistical Analysis Center (MSAC), to develop a model policy against race-based traffic stops that a law enforcement agency can use in developing its own policy. In addition, MPTSC is required to develop a model format for the efficient recording of traffic stop data on an electronic device, or by any other means, for use by a law enforcement agency and guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training.

Law enforcement officers must record specified information in connection with each traffic stop, including the driver’s race and ethnicity, to evaluate the manner in which the vehicle laws are being enforced. Each law enforcement agency is required to compile the data collected by its officers and submit an annual report to MSAC by March 1 each year reflecting the prior calendar year.

MSAC is charged with analyzing the data based on a methodology developed in consultation with MPTSC. By September 1 each year, MSAC must post on its website (in a location that is easily accessible to the public) a filterable data display showing all data required to be collected for the previous calendar year. The filterable data display must allow a person to (1) filter the traffic stop data by county or municipality or law enforcement agency and (2) review various visuals associated with data items required to be reported.

A law enforcement agency must adopt a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers. The policy must (1) prohibit the practice of using an individual’s race or ethnicity as the sole justification to initiate a traffic stop; (2) make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer’s law enforcement obligations; and (3) provide for the law enforcement agency to periodically review data collected by its officers and to review the annual report of MSAC as a management tool to promote nondiscriminatory law enforcement practices.

The bill’s prohibition on racial profiling and its creation of a specific cause of action for alleged violations of the prohibition are likely to benefit various communities in the State, as both State law enforcement officers and federal officers working jointly with State and local law enforcement would be prohibited from making vehicle and other stops of individuals based solely on race. In 2024, there were a total of 537,226 traffic stops, 7,864 vehicle searches, and 3,818 traffic stop arrests in Maryland. The data shows that 42% of those stopped were Black drivers, compared with 38% who were white. The data suggests that Black drivers are subjected to traffic stops at a slightly

higher rate than white drivers. However, this overrepresentation in traffic stops does not establish that racial profiling is the direct *cause* of the overrepresentation.

Beyond traffic stops, the bill would also apply to law enforcement activity similar to the deployment of federal officers as discussed above. Studies and collected data show that racial minorities are disproportionately subject to pretextual stops, such as stop and frisk, as compared to whites.

The bill would also allow a person to bring a civil action in the circuit court for violations of the prohibition on racial profiling. Plaintiffs may use direct or circumstantial evidence to establish a violation, and evidence of “animus” is not needed for a successful claim. A court may award compensatory damages, injunctive relief, reasonable attorney’s fees and litigation expenses, including expert witness fees and expenses, and any other appropriate relief.

Under existing law, a person may sue for racial profiling as a violation of federal or State constitutional law or under State tort law. However, there is no specific cause of action for racial profiling under federal or State law. Suing for a claim involving racial profiling is complex and includes substantial limitations for those attempting to file suit, such as qualified immunity rules that limit monetary damages and evidence rules that may make the case difficult to prove. The bill would provide a streamlined process for litigating alleged violations of the prohibition on racial profiling under State law.

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## Conclusion

The bill’s provisions primarily affect the scope and procedures for joint federal and State or local law enforcement activity. In this regard, the bill substantially limits how federal, State, and local law enforcement engage with the public in performing their principal duties and may reduce the real or perceived threat of widespread constitutional violations affecting members of the public, especially foreign-born individuals. The bill’s explicit ban on racial profiling and its accompanying State court cause of action will also provide an additional, more direct legal avenue for aggrieved individuals to seek compensation for violations. Provisions that provide whistleblower protections and mandate State law enforcement agencies to adopt written policies consistent with the bill’s changes support the protection of individual rights, particularly for historically underrepresented groups and the foreign–born population. The complex nature of the bill’s provisions prevents any analysis of specific impacts as there is no data available to appropriately measure racial profiling incidence, lawsuits, or complaints, or other violations of individual rights by law enforcement officers.

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**Information Sources:** U.S. Census Bureau; Congressional Research Service; Maryland Police Training and Standards Commission; Governor’s Office of Crime Prevention and Policy; Department of Legislative Services

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## Appendix – Maryland Demographics

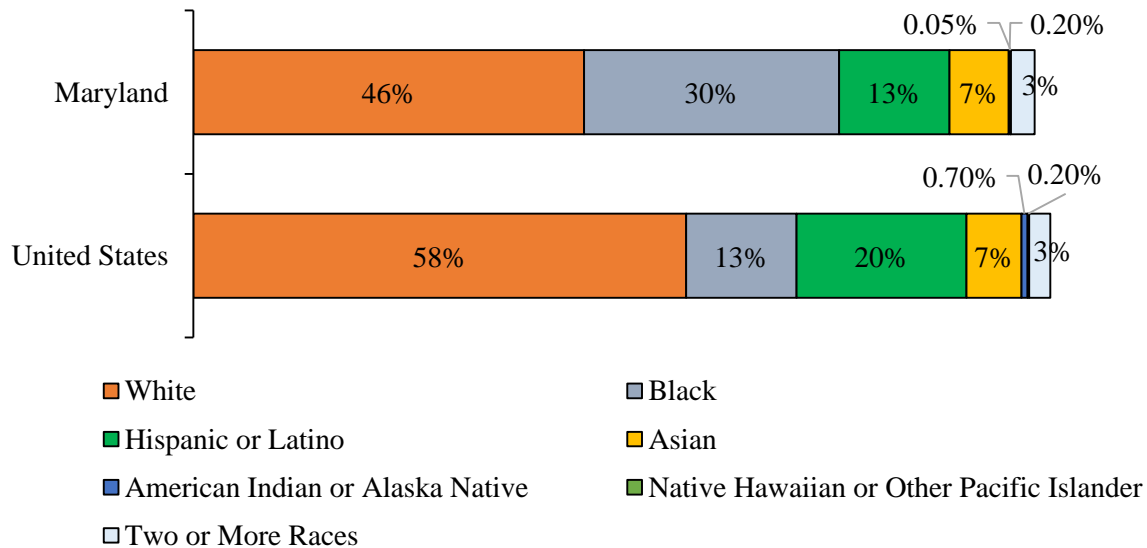
### *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

### *Methodology Update*

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity  
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau