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DEPUTY MAJORITY WHIP

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Children, Youth, and Families
Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 854
Public Safety – Law Enforcement Officers - Restrictions
Before the Judicial Proceedings Committee
February 24, 2026**

Good afternoon Chair Smith, members of the committee.

In 2008, the Maryland NAACP represented a class of individuals who had been pulled over for, colloquially, “driving while black.” These people had committed no traffic offenses but had been pulled over on the sole basis of their race.¹ As part of settling the case, the NAACP and the Maryland State Police released a joint statement, saying: “The need to treat motorists of all races with respect, dignity, and fairness under the law is fundamental to good police work and a just society... Racial profiling is unlawful and undermines public safety by alienating communities.”²

That statement was true when it was written nearly two decades ago, and it’s true today. Racial profiling violates the U.S.³ and Maryland Constitutions and undermines public safety.

Unfortunately, not every federal law enforcement officer has gotten this message, in part because of a concurring—and therefore nonbinding—opinion written by a US Supreme Court Justice late last year. In his opinion in *Noem v. Vasquez Perdomo*, Justice Brett Kavanaugh argued that race and ethnicity can furnish reasonable suspicion in combination with factors as nonspecific as “lives in Los Angeles” or “works at a car wash”.⁴ He did not simply downplay the societal harm of racial

¹ *Md. State Conf. of NAACP Branches v. Md. State Police Dep’t*, Settlement agreement page 2.
(<https://www.aclu.org/cases/driving-while-black-maryland?document=maryland-state-conference-naacp-branches-v-maryland-state-police-department#legal-documents>)

² See above.

³ *Whren v. United States*, 517 U.S. 806, 813 (1996) (“the Constitution prohibits selective enforcement of the law based on considerations such as race”).

⁴ See *Noem v. Vasquez Perdomo*, 606 U.S. ____ (2025) (J. Kavanaugh, concurring).

profiling, he justified the practice and has invited law enforcement to engage in law enforcement practices long considered to be Fourth and Fourteenth Amendment violations.

Here in Maryland, we're not going back on what we said in 2008. Racial profiling is incompatible with a just society and Senate Bill 854 makes that abundantly clear to all law enforcement officers. Senate Bill 854 ensures that we keep existing constitutional protections and limit federal abuses by enacting three reforms:

Firstly, SB 854 affirms that federal law enforcement officers seeking to enforce Maryland laws are subject to the same standards as state and local law enforcement.⁵ As we watch federal agents across the country violate individuals' civil rights, all officers trying to enforce Maryland laws must be held accountable for their actions, regardless of their employer.

Secondly, the bill defines racial profiling as "relying, to any degree, on a person's actual or perceived race, ethnicity, or national origin" for the purposes of law enforcement. However, relying on such characteristics in **combination** with other identifying factors may be permissible if a suspect's race, ethnicity, or national origin is part of a description in connection with a **specific** offense.⁶ The bill then makes it clear: law enforcement officers and agencies may not engage in racial profiling, or retaliate against anyone who reports incidents of racial profiling.⁷

Finally, SB 854 creates a private right of action, allowing a person to bring a civil suit if they were harmed by racial profiling or retaliated against for reporting racial profiling.⁸ This provision creates a clear-cut mechanism to enforce the law and protect Marylanders.

Regardless of what is happening at the federal level, we here in Maryland know that targeting people based on their perceived or actual race is unconstitutional and erodes our communities. Marylanders deserve accountability and justice from law enforcement.

I ask for a favorable report on SB 854.

⁵ See proposed § 2-104(a)(2)(i).

⁶ See proposed § 3-535(a)(3).

⁷ See proposed § 3-535(b) and (c).

⁸ See proposed § 3-535(d).