

HON. STACY A. MAYER  
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BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
AND PUBLIC AFFAIRS  
P: (410) 260-1560

SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
P: (410)260-1523

## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 351  
Constitutional Rights – Violations and Digital Unmasking  
**DATE:** March 4, 2026  
(4/2)  
**INFORMATIONAL COMMENT PAPER**

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The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

The Judiciary only writes to note concern with the use of the term “judicial officer” throughout the amended bill. House Bill 351 was initially drafted to add to the Public Safety Article and would allow claims against a “federal agent” for use of excessive force, assault, kidnapping or unlawful detention, or engaging in actions by a federal agent that lead to a credible complaint of a civil rights violation under 42 U.S.C. § 1983. The amended draft defines – for purposes of the subtitle only – “Judicial officer” as “an officer who may: (1) make an arrest with or without a warrant for violations of the United States Code; and (2) carry firearms in the performance of the officer’s duties.”

Because of the limiting definition of “judicial officer” in House Bill 351, it clearly does not include judges, magistrates or commissioners in the Maryland Judiciary. However, “judicial officer” is specifically defined throughout the Annotated Code and the Maryland Rules to the contrary and is a term of art meaning judge or district court commissioner. Pursuant to Maryland Rule 4-102, “judicial officer” is defined “a judge or

district court commissioner.” There are other references in the Code and the Maryland Rules to a “judicial officer” in the conventional sense of a judge or magistrate. For example, the term judicial officer is used in several other sections without its own definition. Cts. & Jud. Proc. § 6-411 (referring to “a judicial officer of the District Court”); § 1-605 (same); and § 3-8A-27 (using the term “judicial officer” to refer judges or magistrates in juvenile proceedings). In this bill, the term “judicial officer” contradicts with the Code and the Rules, which could lead to confusion.

The Judiciary would request that the term “judicial officer” be amended to a different term.

cc. Hon. David Moon  
Judicial Council  
Legislative Committee  
Kelley O’Connor