

MARYLAND HOUSE JUDICIARY COMMITTEE

HEARING:

Public Hearing on House Bill 1036, March 5, 2026

DATE OF TESTIMONY:

March 3, 2026

TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN SUPPORT OF HB 1036

Dear Chair Bartlett, Vice-Chair Davis, and Committee Members:

Most people agree that the purpose of law enforcement is to ensure public safety for all community members. A key ingredient to public safety is that the officers charged with keeping people safe are subject to transparency and accountability. When law enforcement is not held to high standards of transparency and accountability, public safety worsens, and the same is true for our federal law enforcement officers and federal agents¹.

Maryland citizens have already witnessed ICE’s abuse of power in their own communities as well as in other states across the country, notably in Minnesota. Following the killing of Renee Good, the federal government [refused to investigate](#) ICE agent Jonathan Ross’s decision to open fire. When CBP agents shot Alex Pretti to death, the Department of Homeland Security immediately [declared the killing justified](#). And in [both cases](#), the Department of Justice has loudly proclaimed that it will not jointly investigate with state officials. Of course, these two killings are [far from the only alleged instances of excessive force, sexual wrongdoing, and other misconduct](#) – most of which are receiving similar levels of disinterest from the federal government. These incidents are not isolated to a singular state, and ICE agents have already deployed lethal force against residents in Maryland, and [failed to initially release accurate information](#) about the incident. It is imperative to put accountability measures in place before someone is killed in Maryland in order to seek the truth about these incidents and justice for their outcomes.

¹ A community’s “loss of trust and legitimacy” in its law enforcement “makes citizens more hostile to police and less likely to comply with officers’ requests for the information they need to solve a case—all of which make society less safe from harm.” [Kyle Dobson et al., A transparency statement improves trust in community-police interactions, Nature Communications 16 \(Mar. 7, 2025\).](#)

In the face of federal inaction, Maryland has both the power and the duty to ensure accountability when federal law enforcement agents break the law. This is not just good policy – it is entirely constitutional and wholly in line with principles of federalism. The historical backstop for a lack of federal accountability, since the founding of the U.S., has been state law. Though there are defenses and barriers when states charge federal officers for crimes committed during the course of their federal duties – such as removal to federal courts and the Supremacy Clause immunity defense – these do not undermine states’ fundamental power to investigate and charge such crimes. Equally important is that a state investigation will uncover the truth, regardless of criminal accountability. When the federal government has indicated it has prejudged the outcomes of any investigations, Maryland citizens should ensure that the people have a reliable account of what has actually happened in these cases.

Requiring federal officers to follow state criminal laws does not impose an undue or punitive burden on these officers, but instead merely holds them to the same standard as Maryland law enforcement officers. The bill also wisely vests investigatory authority with the Independent Investigations Division of the Office of the Attorney General (the agency that investigates Maryland peace officers). This even-handedness better positions this legislation to withstand any potential legal challenge, but even more, it ensures that Maryland residents will receive the same level of transparency and accountability from all law enforcement officers operating in their community, regardless of what level of government the officer reports to.

This legislature has already [passed legislation](#) prohibiting local agencies from signing 287(g) agreements, and while this is one step towards checking the power of federal agents, it does not stop them from acting within the state. As long as federal agents continue to act within Maryland’s borders, the state should have a mechanism to hold them accountable and keep their citizens safe.

For these reasons, the Policing Project strongly supports HB 1036. Ensuring appropriate accountability for all law enforcement officers operating within the state will only improve public safety for Maryland residents. We urge this committee to support this vital legislation.