



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Emergency Bill HB 1262: Public Safety - Law Enforcement Officers - Restrictions

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 3, 2026

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on emergency bill HB 1262.

Racial profiling is illegal, ineffective, and destructive. It irreparably erodes public trust, signaling to Black and Brown residents or those who speak with an accent that their government sees them not as valued community members, but as inherently suspect and dangerous. This bill will help protect Marylanders against local and federal abuses in three ways: first, it codifies existing state constitutional protections against racial profiling in clear, direct language. Second, it makes clear that federal agents operating under Maryland law are subject to the same Maryland standards as all state and local law enforcement. Third, it guarantees a private cause of action for Marylanders whose rights are violated. These measures lay a foundation to restore trust that state government will protect the rights and dignity of all residents.

Racial profiling is, tragically, not a new concern. Maryland law has long recognized the harms that stem from racial profiling, and for over two decades, the state has led the way in attempting to identify and remedy racial disparities in police encounters, traffic stops, and justice system outcomes. However, federal law enforcement actions over the past year have returned racial profiling fears to news headlines and the forefront of many residents' minds. We've seen cities flooded with federal officers, raids on workplaces, and arbitrary individual encounters with terrifying and deadly outcomes – not just in Los Angeles, Chicago, or Minneapolis, but in Glen Burnie, in traffic checkpoints along Maryland highways, and in federal patrols across the state. In a memorably horrific February 2025 event, federal ICE agents pulled over a man in Prince George's County, smashed his car window, pulled him out of the car, interrogated him, and hauled him into federal

immigration detention – despite federal officials recognizing early in the encounter that this man was not the person they had been looking for.¹ This was not an isolated incident – similar videos and reports of windows being smashed, people being dragged out of cars, or individuals being accosted on sidewalks across the state flash across news sites or appear in court filings with startling regularity. It’s not just aggressive executive actions at issue. We have also seen early signs of permissiveness from federal appellate courts. To date, this trend has culminated with the shadow docket ruling in *Noem v. Vasquez Perdomo*, 606 U.S. ___, No. 25A169 (Sept. 8, 2025), which stayed a District Court’s preliminary injunction that had limited race-based stops by federal agents in California. Justice Kavanaugh’s written concurrence upended our understanding of decades of Fourth Amendment precedent by blessing the use of race and race-adjacent factors to justify immigration stops in Los Angeles County and unleashing the specter of those tactics nationwide.

The State of Maryland can and must do better to protect the rights of its residents. Even if federal laws and courts fail to meet the moment, their interpretations are a floor, not a ceiling. The Maryland Declaration of Rights and state laws have historically provided stronger protections against racial profiling, and they continue to do so today. But absent clear law or legislative intent to the contrary, courts frequently interpret Maryland constitutional rights to align with the scope of federal rights by relying on federal case law. Without clear legislative guidance, Maryland’s stronger protections may be watered down in tandem with federal constitution, thus eroding our state rights and values. This would subject even more Maryland residents to being pulled over, forced out of their vehicle, interrogated, handcuffed, and hauled into detention centers – based on the color of their skin, their perceived religion, or the language or accent they speak with. This practice makes a mockery of the federal equal protection clause, and it flies in the face of the Fourth Amendment’s guarantee against unreasonable and warrantless searches and seizures. As public defenders, our agency plays a key role in ensuring that the criminal justice system functions fairly – that individuals receive equal protection under the law, and that no one’s rights are trampled in a race toward perceived justice. We strive to protect each individual whom we represent in the criminal context, but a broader legislative statement is needed to curb widespread abuses being committed in our communities, including those in the name of civil immigration enforcement. In light of the federal courts’ drift, and in the face of increasing federal incursion into the lives of Maryland residents, it is

¹ Mikenzie Frost, *Maryland counties face possible federal litigation as ICE ramps up enforcement under Trump*, Fox45 News (Feb. 19, 2025), <https://foxbaltimore.com/news/local/maryland-counties-face-possible-federal-litigation-as-ice-ramps-up-enforcement-under-trump>

critical that the Maryland General Assembly act now to clearly broadcast that state law prohibits policing based on race.

Beyond being offensive to our constitution, racial profiling is ineffective policework. A recent Baltimore Banner analysis of state GOCPP traffic data from 2018-2024 found that police continued to stop Black drivers at disproportionate rates across the state, and police also searched Black drivers more often than white drivers during traffic stops with non-mandatory arrests; however, searches of Black drivers in these stops were *less* likely to lead to an arrest or discovery of contraband, like drugs or weapons, than searches of white drivers.² In the immigration context, census data shows that 17.1% of responding Maryland residents are foreign born – and 54.4% of those individuals are naturalized citizens. Both of those numbers are slightly higher than the national average. Additionally, 21.8% of Maryland respondents speak a language other than English at home, a group that includes folks of every immigration status, including citizens.³ In Maryland – as across the country – perceived race, ethnicity, or language use are particularly ineffective proxies for determining immigration status, let alone criminal behavior. In these context as in others, racial profiling is inefficient – it causes officers to waste time and resources focusing on the wrong people and issues. It is also counter-productive, fostering fear and distrust by fracturing the relationship between law enforcement, courts, and the community. Rather than viewing law enforcement as community servants who can be counted on in a moment of fear, racial profiling distorts law enforcement into the agents of that insecurity. It makes little difference whether someone experiences an instance of racial profiling directly or hears of it through the community, whether the officer was outwardly rude or showed no explicit animus, whether the practice is systematic or employed by a rogue agent. Regardless, acts of racial profiling make drivers afraid to pull over at any officer’s signal, make critical witnesses hesitant to speak with investigators, and make vulnerable residents reluctant to interact with the court system. And it is not always clear to the average citizen when an officer is working for a federal agency, a local police force, or a coordinated joint mission. All of this increases risks to the community, extinguishes trust, and prevents the justice system from operating effectively. To be clear, this bill in no way limits officers from considering perceived race in combination with other factors when it is part of a description of a specific individual sought in

² Ben Conarck and Greg Morton. *How ‘driving while Black’ persists in Baltimore County*. Baltimore Banner (Oct. 27, 2025), <https://www.thebanner.com/community/criminal-justice/baltimore-county-traffic-stops-racial-profiling-HGFV5CH6T5BBDHH4M7ZO6S4HAA/>

³ U.S. Census Bureau, “Maryland,” *2024 American Community Survey 1-Year Estimates* (last accessed on Feb. 20, 2026), <https://data.census.gov/profile/Maryland?g=040XX00US24>

connection with a specific offense. This bill clarifies for all residents that – at least for state officers – taking action based on race or national origin alone remains illegal, a step toward restoring police credibility.

Racial profiling destroys lives. An unjustified stop and ensuing questioning or demand for proof of immigration status – or any other unreasonable suspicion – is confusing, chilling, and stigmatizing, no matter how brief. It tells a targeted individual that they do not “belong” there. And if that unjustified stop distends into an arrest, detention in jail, the loss of a job, or permanent separation from family – then these too-common harms can be severe and irreversible. While a state legislature cannot control every federal law enforcement action, you can clearly articulate that federal agents lose their Maryland law authorizations and immunities if they refuse to adhere to the standards and guardrails that our laws set for all other law enforcement officers operating within the state. This bill lays out a simple standard that all coordinated law enforcement officers must follow – a law enforcement officer may not engage in racial profiling. And in the event that agencies or individual officers acting under state law refuse to adhere to that standard, Maryland residents whom they harm will have a remedy under law – a suit for compensation and injunctive relief in state court.

*

*

*

Federal agents do not deserve to be lent authority or immunity under state law if they refuse to respect our state law, constitution, and residents. Marylanders demand reassurance that the officers working in their communities are acting based on evidence, reason, and warrants – not on race, ethnicity, or assumptions. This bill holds all law enforcement officers to the same high standard to curb illegal abuses and respect the dignity of all Maryland residents.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 1262.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Sean Link, Assistant Public Defender, sean.link@maryland.gov**