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Chair
Judiciary Committee



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THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Good afternoon Madame Vice Chair, and distinguished members of the House Judiciary Committee. I am writing to urge a ***favorable report*** on **House Bill 1031: Law Enforcement - Use of Force - National Guard Members**. This is a simple piece of legislation that applies current use of force standards in place for Maryland law enforcement to National Guard members interacting with the public in the State of Maryland.

In June 2025, for the first time in nearly eighty years, the President of the United States deployed federal troops in a state against the will of its Governor. This sparsely and grievously precedented measure was deemed without legal sanction by the 9th Circuit Court of Appeals in *Newsome v. Trump*. Yet, the President continues to threaten numerous cities and states with federal militarized intervention. Los Angeles endured four months of near military occupation. Washington D.C., our next door neighbor, still has National Guard members patrolling the streets. The President has threatened the cities of Portland, Minneapolis, Oakland, New York City, and Baltimore.

Our servicemen and women are held to the highest possible standards—especially the members of our Maryland Military Department. But in recent months, we have seen an abdication of justice and a dereliction of duty by the federal government in prosecuting clear and obvious cases of abuse committed by members of the executive branch who hold authority over law enforcement operations. In Minneapolis, Renee Nicole Good, a 37 year old mother, and Alex Jeffrey Pretti, a 37 year old Veterans Nurse, were summarily executed in the street on camera. In both cases, the federal government has stalled and stonewalled state investigators while refusing to conduct investigations themselves. We have not seen rampant examples of abuse akin to the Department of Homeland Security's actions in Minnesota in any National Guard deployment across the country, but it is clear that should a member of the National Guard, deployed from another state against the wishes of the Governor of the receiving state, use excessive force against a citizen of the State of Maryland, the current administration is not

interested in seeking justice for that victim, nor punishing those who violate our citizen's civil rights.

That is why we need HB1031 - to create a method of recourse that the State of Maryland can use to take action against federal abuses of power. Should HB1031 pass, Maryland will be able to impose a misdemeanor penalty subject to imprisonment not exceeding ten years upon conviction should a National Guard Member violate our current use of force standards applicable to law enforcement in a manner that results in serious physical injury or death, which would be separate from and consecutive to or concurrent with a sentence for any crime based on the act that established the violation of this section.

HB1031 utilizes existing language from Public Safety §3-524 - Maryland Use of Force Statute with minor technical changes and deletions of provisions that would be unnecessary to apply to the National Guard. The legislation was crafted with the intention of minimal interference with the high standards of the Maryland National Guard, and after conversations with the Maryland Military Department, we have offered a technical amendment that the committee received yesterday to tighten up the language and address concerns of our state's National Guard.

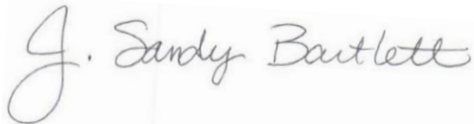
First, the definition of "National Guard Member" has been struck from the bill to ensure that any National Guard unit operating in Maryland is held to Maryland standards, rather than limiting the application to one specific statutory method of federalizing troops. The second part of this amendment adds the following provision: "This section may not be interpreted to supersede a more stringent use of force standard applicable to a National Guard Member under the Maryland Military Code of Justice or other military law." The addition of this provision allows the Maryland Military Department to enforce their own code of justice while subjecting any National Guard Member who would not be subjected to a more stringent military law to our own state standards.

In summation, federalism is under attack in this country, and Maryland could be the next target. The Framers of the Constitution sought to establish a unified national government of limited powers while maintaining distinct autonomy in which state governments could exercise police power (*Madison, Federalist 45*). The Posse Comitatus Act, passed in 1878 and most recently amended in 2021, limits the use of federal military personnel to enforce domestic law. While the act does not apply to National Guard units under state authority, this legislation focuses on National Guard units deployed without the consent of the State.

When the President talks about "the enemy within," we should be alarmed at his amorphous language. When our neighbors are being summarily executed without due process, we should be alarmed at the speed at which those in power in the federal government dismiss accountability. In the face of manufactured chaos and unprecedented federal encroachment, we should be alarmed, but we do not have to be afraid.

With HB1031, we will have a method to hold National Guard Members accountable for any abuse they inflict on Marylanders. For these reasons, I ask for a favorable report on HB1031.

Best wishes,

A handwritten signature in cursive script that reads "J. Sandy Bartlett". The signature is written in black ink on a white background.

Delegate J. Sandy Bartlett