

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1031
Judiciary

(Delegate Bartlett)

Law Enforcement - Use of Force - National Guard Members

This bill prohibits a National Guard member from using force against a person unless, under the totality of the circumstances, the force is necessary and proportional to (1) prevent an imminent threat of physical injury to a person or (2) effectuate a legitimate law enforcement objective. A National Guard member must cease the use of force as soon as (1) the person on whom the force is used is under the National Guard member's control or no longer poses an imminent threat of physical injury or death to the National Guard member or to another person or (2) the National Guard member determines that force will no longer accomplish a legitimate law enforcement objective. A National Guard member may not intentionally violate the prohibition and requirements described above resulting in serious physical injury or death to a person; a National Guard member who does so is guilty of a misdemeanor and on conviction is subject to imprisonment for up to 10 years. A sentence imposed under the bill may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation. Finally, the bill establishes several requirements for a National Guard member relating to use of force.

Fiscal Summary

State Effect: Potential increase in general fund expenditures, as discussed below. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: A National Guard member must:

- when time, circumstances, and safety allow, take steps to gain compliance and de-escalate conflict without using physical force;
- intervene to prevent or terminate the use of force by another National Guard member beyond what is authorized under the bill;
- render basic first aid to a person injured as a result of National Guard action and promptly request appropriate medical assistance; and
- fully document all use of force incidents that the National Guard member observed or was involved in.

“National Guard member” means a member of the National Guard supporting operations or missions in the State at the request of the President of the United States or the Secretary of Defense of the United States, as specified.

“Serious physical injury” means physical injury that (1) creates a substantial risk of death or (2) causes permanent or protracted serious disfigurement, loss of the function of any bodily member or organ, or impairment of the function of any bodily member or organ.

Current Law: A member of the National Guard has the same police power, authority, and status with respect to the enforcement of the law relating to criminal matters in the military area to which the member is assigned, as a law enforcement or peace officer has in the officer’s respective jurisdiction if (1) the Adjutant General designates the member as National Guard full-time support personnel under Title 32 of the U. S. Code; (2) the Military Department controls or has jurisdiction over the member; and (3) the member is acting as a National Guard member. A member of the National Guard has the immunities and defenses available to a law enforcement or peace officer in a criminal proceeding or civil suit brought because of an act performed in the course of employment and duty under these provisions.

Chapter 60 of 2021, among other things, established the Maryland Use of Force Statute, which establishes requirements regarding a police officer’s use of force; requires a police officer to sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others; requires a law enforcement agency to adopt specified policies; and requires a police officer to undergo specified training. The statute applies to police officers and special police officers.

A police officer may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to prevent an imminent threat of

physical injury to a person or effectuate a legitimate law enforcement objective. A police officer must cease the use of force as soon as (1) the person on whom the force is used is under the police officer's control or no longer poses an imminent threat of physical injury or death to the police officer or to another person or (2) the police officer determines that force will no longer accomplish a legitimate law enforcement objective. A police officer who intentionally violates the prohibitions on use of force that results in serious physical injury or death to a person is guilty of a misdemeanor, punishable by imprisonment for up to 10 years. A sentence imposed for a conviction may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation.

Also, a police officer must (1) when time, circumstances, and safety allow, take steps to gain compliance and de-escalate conflict without using physical force; (2) intervene to prevent or terminate the use of force by another police officer beyond the authorized use of force described above; (3) render basic first aid to a person injured as a result of police action and promptly request appropriate medical assistance; and (4) fully document all use of force incidents that the officer observed or was involved in.

A police supervisor must respond to the scene of any incident during which a police officer used physical force and caused serious physical injury and gather and review all known video recordings of a use of force incident. A law enforcement agency must have a written de-escalation of force policy and adopt a written policy requiring supervisory and command-level review of all use of force incidents.

A police officer must (1) undergo training on when a police officer may or may not draw a firearm or point a firearm at a person and enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury and (2) sign a training completion document stating that the officer understands and must comply with the Maryland Use of Force Statute.

State Expenditures: The Military Department advises that the bill likely results in a significant increase in general fund expenditures for additional pay and allowances related to training for approximately 6,000 National Guard members and the need for civil disturbance gear for all members. The Department of Legislative Services acknowledges that additional training for National Guard members may be necessary but cannot independently verify the magnitude of any increase in general fund expenditures at this time.

The bill's criminal penalty provision is not anticipated to materially affect State expenditures.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Municipal League; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Military Department; Department of Legislative Services

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