

SENATE BILL 346

D3

(6lr2224)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by Senators Waldstreicher and Smith, Smith, Augustine, Feldman, Hettleman, Kagan, King, Lam, and Love

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Violation of Constitutional Rights**
3 **(No Kings Act)**

4 FOR the purpose of establishing certain civil liability for an individual who, under color of
5 law, deprives another, or causes or allows another to be deprived, of a right, a
6 privilege, or an immunity secured by the U.S. Constitution or the laws of the United
7 States; and generally relating to civil liability for the deprivation of ~~Constitutional~~
8 rights.

9 BY adding to
10 Article – Courts and Judicial Proceedings
11 Section 3–2701 and 3–2702 to be under the new subtitle “Subtitle 27. Action for
12 Deprivation of ~~Constitutional~~ Rights”
13 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



(2020 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

SUBTITLE 27. ACTION FOR DEPRIVATION OF ~~CONSTITUTIONAL~~ RIGHTS.

3-2701.

~~IN THIS SUBTITLE,~~ **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) (1) “COVERED OFFICER” MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN OFFICER WHO MAY:

(I) MAKE AN ARREST WITH OR WITHOUT A WARRANT FOR VIOLATIONS OF THE UNITED STATES CODE; AND

(II) CARRY FIREARMS IN THE PERFORMANCE OF THE OFFICER’S DUTIES.

(2) “COVERED OFFICER” DOES NOT INCLUDE A LAW ENFORCEMENT OFFICER, AS DEFINED IN § 1-101 OF THE PUBLIC SAFETY ARTICLE, ACTING UNDER THE AUTHORITY OF A JOINT TASK FORCE THAT PRIMARILY ENFORCES THE UNITED STATES CODE.

(C) “LAW LAW” INCLUDES:

(1) THE U.S. CONSTITUTION; AND

~~**(2) THE MARYLAND DECLARATION OF RIGHTS;**~~

~~**(3) THE MARYLAND CONSTITUTION;**~~

~~**(4) (2) THE LAWS OF THE UNITED STATES; AND.**~~

~~**(5) THE LAWS OF MARYLAND.**~~

3-2702.

(A) (1) AN AGGRIEVED PARTY OR THE OFFICE OF THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST AN INDIVIDUAL A COVERED OFFICER

1 WHO, UNDER COLOR OF LAW, DEPRIVES THE AGGRIEVED PARTY OR CAUSES OR
2 ALLOWS THE AGGRIEVED PARTY TO BE DEPRIVED ~~OR CAUSES OR ALLOWS THE~~
3 ~~AGGRIEVED PARTY TO BE DEPRIVED~~ OF A RIGHT, A PRIVILEGE, OR AN IMMUNITY
4 SECURED ~~BY THE U.S. CONSTITUTION~~ UNDER THE LAW.

5 (2) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN AN ACTION~~
6 ~~UNDER THIS SECTION, AN AGGRIEVED PARTY~~ AN AGGRIEVED PARTY OR THE OFFICE
7 OF THE ATTORNEY GENERAL MAY SEEK DAMAGES AND DECLARATORY AND
8 INJUNCTIVE RELIEF IN AN ACTION BROUGHT UNDER THIS SECTION.

9 (3) ~~IN AN ACTION UNDER THIS SECTION AGAINST A JUDICIAL~~
10 ~~OFFICER, INJUNCTIVE RELIEF IS AVAILABLE ONLY IF A DECLARATORY JUDGMENT~~
11 ~~IS VIOLATED OR DECLARATORY RELIEF IS UNAVAILABLE.~~

12 (B) (1) ~~A DEFENDANT IN AN ACTION UNDER THIS SECTION MAY ASSERT A~~
13 ~~DEFENSE OF ABSOLUTE OR QUALIFIED IMMUNITY TO THE SAME EXTENT AS A~~
14 ~~PERSON SUED UNDER 42 U.S.C. § 1983 UNDER LIKE CIRCUMSTANCES.~~

15 (2) ~~THIS SECTION MAY NOT BE CONSTRUED TO WAIVE OR ABROGATE~~
16 ~~ANY DEFENSE OF SOVEREIGN IMMUNITY OTHERWISE AVAILABLE~~ A DEFENDANT IN
17 AN ACTION UNDER THIS SECTION MAY ASSERT ANY DEFENSE OF IMMUNITY THAT
18 WAS AVAILABLE AT THE TIME THE CAUSE OF ACTION ACCRUED.

19 (C) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
20 ~~COURT MAY AWARD REASONABLE FEES AND COSTS, INCLUDING ATTORNEY'S FEES~~
21 ~~AND EXPERT WITNESS FEES, TO A PREVAILING PLAINTIFF UNDER THIS SECTION.~~

22 (2) ~~A COURT MAY NOT AWARD FEES OR COSTS UNDER THIS SECTION~~
23 ~~AGAINST A JUDICIAL OFFICER UNLESS THE JUDICIAL OFFICER ACTED CLEARLY IN~~
24 ~~EXCESS OF THE JUDICIAL OFFICER'S JURISDICTION~~ A COURT MAY AWARD
25 REASONABLE FEES AND COSTS, INCLUDING ATTORNEY'S FEES AND EXPERT WITNESS
26 FEES, TO A PREVAILING PLAINTIFF UNDER THIS SECTION.

27 (D) ~~AN ACTION UNDER THIS SECTION SHALL BE FILED WITHIN 3 YEARS~~
28 ~~AFTER THE CAUSE OF ACTION ACCRUES~~

29 (1) AN ACTION UNDER THIS SECTION SHALL BE FILED WITHIN 5
30 YEARS AFTER THE CAUSE OF ACTION ACCRUED.

31 (2) THIS SECTION MAY NOT BE CONSTRUED TO ABROGATE:

1 (I) ANY STATE OR LOCAL GOVERNMENT LIABILITY UNDER
2 STATE OR COMMON LAW FOR THE ACTIONS OF STATE OR LOCAL GOVERNMENT
3 EMPLOYEES; OR

4 (II) ANY STATUTORY WAIVER OF ANY DEFENSE, INCLUDING
5 IMMUNITY.

6 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any~~
7 ~~civil action pending on the effective date of this Act.~~

8 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
9 ~~October 1, 2026~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
11 the application of any provision of this Act to any person or circumstance is held invalid for
12 any reason in a court of competent jurisdiction, the invalidity does not affect other
13 provisions or any other application of this Act that can be given effect without the invalid
14 provision or application, and for this purpose the provisions of this Act are declared
15 severable.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.