

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 854

(Senator Sydnor)

Judicial Proceedings

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**Public Safety - Law Enforcement Officers - Restrictions**

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This emergency bill limits the exercise of powers granted to a federal law enforcement officer under § 2-104 of the Criminal Procedure Article to when the federal law enforcement officer is acting in accordance with State law (and meets one of four existing conditions, one of which – relating to when an emergency exists – is altered by the bill). The bill also (1) prohibits a State or local law enforcement officer from taking any action prohibited by State law, even when acting under color of federal law pursuant to an agreement deputizing the State or local officer; (2) prohibits a law enforcement officer or law enforcement agency from engaging in racial profiling; (3) prohibits a law enforcement agency from taking retaliatory punitive action against a law enforcement officer who discloses information concerning racial profiling; (4) establishes a civil cause of action for a person harmed by a violation of the bill’s prohibitions relating to racial profiling; (5) requires a law enforcement agency, by January 1, 2027, to develop and maintain a written policy consistent with these provisions; and (6) specifies that these provisions must be liberally construed to effectuate their purpose.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** Potential minimal increase in local government expenditures to the extent that local law enforcement agencies need to create, change, or update policies and procedures to meet the bill’s requirements. Local revenues are not anticipated to be affected.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** A person harmed by a violation of the bill's prohibitions relating to racial profiling may bring a civil action in the circuit court where the alleged violation occurred or where the plaintiff resides. A plaintiff may establish a violation through direct or circumstantial evidence. Evidence of animus is not needed to establish a violation. If a court finds that a violation of the bill's prohibitions relating to racial profiling occurred, the court may award (1) compensatory damages; (2) injunctive relief; (3) reasonable attorney's fees and litigation expenses, as specified; and (4) any other appropriate relief.

### **Current Law:**

*Federal Law Enforcement Officer Authority:* Pursuant to § 2-104 of the Criminal Procedure Article, "federal law enforcement officer" means an officer who may make an arrest with or without a warrant for violations of the U.S. Code and carry firearms in the performance of the officer's duties.

A federal law enforcement officer may make arrests (as set forth in specified statutory provisions) and execute arrest and search and seizure warrants issued under the laws of the State. A federal law enforcement officer may exercise these powers when (1) participating in a joint investigation with officials from a State or local law enforcement unit; (2) rendering assistance to a police officer; (3) acting at the request of a local police officer or State Police officer; or (4) an emergency exists.

A federal law enforcement officer who acts under the authority granted by these provisions (1) has the same legal status as a police officer; (2) has the same protections as a police officer under specified existing statutory provisions with regard to charging documents against police officers; and (3) has the same immunity from liability under specified existing statutory provisions.

*Whistleblower Provisions:* In general, under provisions of the State Personnel and Pensions Article, an employee, contractor, or grantee who has experienced retaliation may file a civil action against the retaliator and may seek any relief necessary to make the employee whole, including reinstatement, two times the amount of back pay, interest on back pay, and compensation for other damages, including litigation costs, reasonable attorney's fees, and punitive damages. These protections are extended only to the Executive Branch of State government, including a unit with an independent personnel system.

*Race-Based Traffic Stops:* The Maryland Police Training and Standards Commission (MPTSC), in consultation with the Maryland Statistical Analysis Center (MSAC), must develop a model policy against race-based traffic stops that a law enforcement agency can

use in developing its own policy. In addition, MPTSC is required to develop a model format for the efficient recording of traffic stop data on an electronic device, or by any other means, for use by a law enforcement agency and guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training.

Law enforcement officers must record specified information in connection with each traffic stop, including the driver's race and ethnicity, to evaluate the manner in which the vehicle laws are being enforced. The race or ethnicity of the driver must be recorded as (1) Asian; (2) Black; (3) Hispanic; (4) White; or (5) other. Each law enforcement agency is required to compile the data collected by its officers and submit an annual report to MSAC by March 1 each year reflecting the prior calendar year.

These provisions do not apply to a law enforcement agency that is subject to an agreement with the U.S. Department of Justice (DOJ) requiring similar data collection; however, such agencies are required to provide copies of the report made to DOJ in lieu of the program's reporting requirements.

MSAC is charged with analyzing the data based on a methodology developed in consultation with MPTSC. By September 1 each year, MSAC must post on its website (in a location that is easily accessible to the public) a filterable data display showing all data required to be collected for the previous calendar year. The filterable data display must allow a person to (1) filter the traffic stop data by county or municipality or law enforcement agency and (2) review various visuals associated with data items required to be reported.

A law enforcement agency must adopt a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers. The policy must (1) prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop; (2) make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations; and (3) provide for the law enforcement agency to periodically review data collected by its officers and to review the annual report of MSAC as a management tool to promote nondiscriminatory law enforcement practices.

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### **Additional Information**

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

**Designated Cross File:** HB 1262 (Delegate Ruff, *et al.*) - Judiciary.

**Information Source(s):** Baltimore City; Calvert, Howard, and Prince George's counties; City of Annapolis; Maryland Municipal League; Alcohol, Tobacco, and Cannabis Commission; Comptroller's Office; Judiciary (Administrative Office of the Courts); University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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