

SENATE BILL 346

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6lr2224
CF HB 332

By: Senators Waldstreicher ~~and Smith~~, Smith, Augustine, Feldman, Hettleman, Kagan, King, Lam, and Love

Introduced and read first time: January 23, 2026

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 3, 2026

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 of a right, a privilege, or an immunity secured by the U.S.
6 Constitution; and generally relating to civil liability for the deprivation of
7 Constitutional rights.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 3–2701 and 3–2702 to be under the new subtitle “Subtitle 27. Action for
11 Deprivation of Constitutional Rights”

12 Annotated Code of Maryland

13 (2020 Replacement Volume and 2025 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 **SUBTITLE 27. ACTION FOR DEPRIVATION OF CONSTITUTIONAL RIGHTS.**

18 **3–2701.**

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.



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

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

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

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

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

13 (C) ~~“LAW LAW”~~ INCLUDES:

14 (1) THE U.S. CONSTITUTION; AND

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

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

17 ~~(4) (2) THE LAWS OF THE UNITED STATES; AND.~~

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

19 3-2702.

20 (A) (1) AN AGGRIEVED PARTY OR THE OFFICE OF THE ATTORNEY
 21 GENERAL MAY BRING AN ACTION AGAINST AN INDIVIDUAL A COVERED OFFICER
 22 WHO, UNDER COLOR OF LAW, DEPRIVES THE AGGRIEVED PARTY OR CAUSES OR
 23 ALLOWS THE AGGRIEVED PARTY TO BE DEPRIVED OF A RIGHT, A PRIVILEGE, OR AN
 24 IMMUNITY SECURED BY THE U.S. CONSTITUTION UNDER THE LAW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.