

SB0346/293920/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 346
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, strike “**IN THIS SUBTITLE,**” and substitute “**(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)”;

in the same line, strike “**LAW**” and substitute “**LAW**”; in line 20, after the semicolon insert “**AND**”; and strike line 21 in its entirety.

AMENDMENT NO. 2

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On page 2, strike line 1 in its entirety; in line 2, strike “(4)” and substitute “(2)”; in the same line, strike “; AND” and substitute “.”; strike line 3 in its entirety; in line 5, after “PARTY” insert “OR THE OFFICE OF THE ATTORNEY GENERAL”; in the same line, strike the second “AN”; in line 6, strike “INDIVIDUAL” and substitute “A COVERED OFFICER”; strike beginning with “OR” in line 6 down through “DEPRIVED” in line 7; in line 8, strike “BY THE U.S. CONSTITUTION” and substitute “UNDER THE LAW”; in lines 9 and 10, strike “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN AN ACTION UNDER THIS SECTION, AN AGGRIEVED PARTY” and substitute “AN AGGRIEVED PARTY OR THE OFFICE OF THE ATTORNEY GENERAL”; in line 11, after “RELIEF” insert “IN AN ACTION BROUGHT UNDER THIS SECTION”; strike in their entirety lines 12 through 14, inclusive; strike beginning with “(1)” in line 15 down through “AVAILABLE” in line 19 and substitute “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”; strike beginning with “(1)” in line 20 down through “JURISDICTION” in line 25 and substitute “A COURT MAY AWARD REASONABLE FEES AND COSTS, INCLUDING ATTORNEY’S FEES AND EXPERT WITNESS FEES, TO A PREVAILING PLAINTIFF UNDER THIS SECTION”; strike beginning with “AN” in line 26 down through “ACCRUES” in line 27 and substitute:

“(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”;

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and strike beginning with “SECTION” in line 28 down through “2026” in line 31 and substitute:

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

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