

HOUSE BILL 351

E4

EMERGENCY BILL

6lr1852

By: ~~Delegates Moon~~ **Delegates Moon, Charkoudian, and Martinez**

Introduced and read first time: January 19, 2026

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 19, 2026

CHAPTER _____

1 AN ACT concerning

2 ~~Public Safety – Federal Agents – Digital Unmasking~~
3 **Constitutional Rights – Violations and Digital Unmasking**

4 FOR the purpose of authorizing an aggrieved party or the Office of the Attorney General to
5 bring an action against a certain judicial officer who, under color of law, deprives
6 another of a right, a privilege, or an immunity secured under law; authorizing the
7 Office of the Attorney General, a State Prosecutor, or a State’s Attorney to direct ~~the~~
8 ~~Maryland State Police~~ certain State and local law enforcement agencies to gather
9 and securely retain certain identifying digital data about a certain ~~federal agent or~~
10 ~~federal agents~~ judicial officer at a certain time; authorizing a certain ~~complainant~~
11 plaintiff to obtain certain identifying digital data only pursuant to in accordance with
12 a court order issued in a certain ~~case~~ action; and generally relating to ~~law~~
13 ~~enforcement officers~~ violations of constitutional rights.

14 BY adding to

15 Article – Courts and Judicial Proceedings

16 Section 3–2701 and 3–2702 to be under the new subtitle “Subtitle 27. Action for

17 Deprivation of Constitutional Rights”

18 Annotated Code of Maryland

19 (2020 Replacement Volume and 2025 Supplement)

20 BY adding to

21 Article – Public Safety

22 Section 3–535

23 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.



(2022 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.

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

(B) “JUDICIAL OFFICER” MEANS AN OFFICER WHO MAY:

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

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

(C) “LAW” INCLUDES:

(1) THE U.S. CONSTITUTION; AND

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

(3) ~~THE MARYLAND CONSTITUTION;~~

(4) ~~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 A JUDICIAL OFFICER WHO, UNDER COLOR OF LAW, DEPRIVES THE AGGRIEVED PARTY OR CAUSES OR ALLOWS THE AGGRIEVED PARTY TO BE DEPRIVED OF A RIGHT, A PRIVILEGE, OR AN IMMUNITY SECURED UNDER LAW.

(2) AN AGGRIEVED PARTY OR THE OFFICE OF THE ATTORNEY GENERAL MAY SEEK DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF IN AN ACTION BROUGHT UNDER THIS SECTION.

1 ~~(4)~~ **(2)** “IDENTIFYING DIGITAL DATA” MEANS DIGITAL
2 INFORMATION THAT CAN HELP CONFIRM THE IDENTITY OF A ~~FEDERAL AGENT~~
3 JUDICIAL OFFICER WHO IS THE SUBJECT OF A COMPLAINT OF ~~FEDERAL AGENT~~
4 JUDICIAL OFFICER MISCONDUCT, INCLUDING:

5 (I) LICENSE PLATE DATA;

6 (II) CELL TOWER DATA;

7 (III) CELL PHONE DATA;

8 (IV) LOCATION DATA;

9 (V) IMAGE SEARCH RESULTS DATA;

10 (VI) GPS DATA;

11 (VII) STINGRAY DATA;

12 (VIII) FACIAL RECOGNITION DATA; AND

13 (IX) ANY OTHER RECOVERABLE DATA THAT MAY HELP IDENTIFY
14 ~~FEDERAL AGENTS.~~ JUDICIAL OFFICERS.

15 **(3)** “JUDICIAL OFFICER” HAS THE MEANING STATED IN § 3-2701 OF
16 THE COURTS ARTICLE.

17 **(4)** “JUDICIAL OFFICER MISCONDUCT” MEANS CAUSING OR
18 ALLOWING AN AGGRIEVED PARTY TO BE DEPRIVED OF A RIGHT, A PRIVILEGE, OR AN
19 IMMUNITY SECURED UNDER LAW.

20 **(5)** “LAW” HAS THE MEANING STATED IN § 3-2701 OF THE COURTS
21 ARTICLE.

22 **(B)** ON RECEIPT OF A COMPLAINT OF ~~FEDERAL AGENT~~ JUDICIAL OFFICER
23 MISCONDUCT, THE OFFICE OF THE ATTORNEY GENERAL, A STATE PROSECUTOR,
24 OR A STATE’S ATTORNEY MAY DIRECT THE ~~MARYLAND STATE POLICE~~
25 APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT AGENCY TO GATHER AND
26 SECURELY RETAIN AS MUCH IDENTIFYING DIGITAL DATA AS POSSIBLE ABOUT THE
27 ~~FEDERAL AGENT~~ JUDICIAL OFFICER ~~OR FEDERAL AGENTS WHO ARE~~ WHO IS THE
28 SUBJECT OF THE ~~FEDERAL AGENT~~ JUDICIAL OFFICER MISCONDUCT COMPLAINT.

1 (C) ~~A COMPLAINANT~~ PLAINTIFF MAY OBTAIN ACCESS TO THE IDENTIFYING
2 DIGITAL DATA RELEVANT TO THE ~~COMPLAINANT'S~~ PLAINTIFF'S COMPLAINT ONLY
3 ~~PURSUANT TO~~ IN ACCORDANCE WITH A COURT ORDER ISSUED IN: AN ACTION UNDER
4 TITLE 3, SUBTITLE 27 OF THE COURTS ARTICLE.

5 ~~(1) A 42 U.S.C. § 1983 CIVIL RIGHTS CASE; OR~~

6 ~~(2) A CRIMINAL PROCEEDING INVOLVING THE SUBJECT OF THE~~
7 ~~FEDERAL AGENT MISCONDUCT COMPLAINT.~~

8 ~~SECTION 2. 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 is an emergency
17 measure, is necessary for the immediate preservation of the public health or safety, has
18 been passed by a ye and nay vote supported by three-fifths of all the members elected to
19 each of the two Houses of the General Assembly, and shall take effect from the date it is
20 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.