

HB0351/703523/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 351
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “**Moon**” and substitute “**Moon, Charkoudian,**”; strike line 2 in its entirety and substitute “**Constitutional Rights – Violations and Digital Unmasking**”; in line 3, after the first “of” insert “authorizing an aggrieved party or the Office of the Attorney General to bring an action against a certain judicial officer who, under color of law, deprives another of a right, a privilege, or an immunity secured under law;”; in the same line, after “General” insert “, a State Prosecutor,”; in line 4, strike “the Maryland State Police” and substitute “certain State and local law enforcement agencies”; in line 5, strike “federal agent or federal agents” and substitute “judicial officer”; in line 6, strike “complainant” and substitute “plaintiff”; in line 7, strike “pursuant to” and substitute “in accordance with”; in the same line, strike “case” and substitute “action”; strike beginning with “law” in line 7 down through “officers” in line 8 and substitute “violations of constitutional rights”; and after line 8, insert:

“BY adding to

Article - Courts and Judicial Proceedings

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

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“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;**

(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.

(B) A DEFENDANT IN AN ACTION UNDER THIS SECTION MAY ASSERT ANY DEFENSE OF IMMUNITY OTHERWISE APPLICABLE AT THE TIME THE CAUSE OF ACTION ACCRUES.

(C) A COURT MAY AWARD REASONABLE FEES AND COSTS, INCLUDING ATTORNEY'S FEES AND EXPERT WITNESS FEES, TO A PREVAILING PLAINTIFF UNDER THIS SECTION.

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

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

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

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

AMENDMENT NO. 3

(Over)

HB0351/703523/01 Judiciary Committee
Amendments to HB 351
Page 4 of 5

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 8 on page 2, inclusive.

On page 2, in line 9, strike “(4)” and substitute “(2)”; in lines 10, 11, 22, 25, and 26, in each instance, strike “FEDERAL AGENT” and substitute “**JUDICIAL OFFICER**”; strike line 21 in its entirety and substitute “**JUDICIAL OFFICERS.**”; after line 21, insert:

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

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

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

in line 23, after “GENERAL” insert “, A STATE PROSECUTOR,”; in line 24, strike “MARYLAND STATE POLICE” and substitute “**APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT AGENCY**”; and strike beginning with “OR FEDERAL” in line 25 down through “ARE” in line 26 and substitute “**WHO IS**”.

On page 3, in line 1, strike “COMPLAINANT” and substitute “**PLAINTIFF**”; in line 2, strike “COMPLAINANT’S” and substitute “**PLAINTIFF’S**”; in the same line, strike “PURSUANT TO” and substitute “**IN ACCORDANCE WITH**”; in line 3, strike the colon and substitute “**AN ACTION UNDER TITLE 3, SUBTITLE 27 OF THE COURTS ARTICLE.**”; and strike in their entirety lines 4 through 8, inclusive, 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 is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”