

No Kings Act 2026

In the first year of President Trump's administration, we have seen agents of the Federal government—sworn to protect and defend our constitutional rights—instead violate or attempt to deny us our constitutional rights. There are many examples: ICE has unlawfully taken people off of the street and deported them; the National Guard has broken up peaceful protests; and political enemies are being persecuted.¹ Our Constitution is at risk and individuals have limited recourse available.

The No Kings Act will give Maryland residents the ability to fight back when their civil rights have been violated by Federal agents.

Currently, when individuals experience an *ongoing* civil rights violation, they can go to court and ask the court to tell the government to stop. This is known as injunctive relief. Hundreds of lawsuits demanding injunctive relief have already been filed against the Trump administration. But these suits are less useful when the harm has already happened and, for example, an individual, denied due process has already been deported.²

While federal statutory law (42 U.S.C. § 1983)³ allows Americans to sue when state and local officials violate their constitutional rights; there is no similar remedy when federal officials violate the Constitution. Federal officers have *de facto* immunity and so may act with impunity, as many are doing under the Trump Administration. The No Kings Act will close this critical gap.

Specific examples of issues this legislation would cover include:

- First Amendment Violations: Retaliating against a person for their protected speech (e.g., targeting a political opponent for an investigation); interfering with the free exercise of religion; or using excessive force to break up a peaceful protest.
- Fourth Amendment Violations: Conducting an unlawful search of a person's home or an unreasonable seizure at a checkpoint without a warrant or probable cause; or using excessive force during an arrest.
- Fifth Amendment/Equal Protection Violations: Unlawfully targeting individuals for enforcement actions or tax audits on the basis of their race, national origin, or political ideology.

This bill will allow an aggrieved party to bring action against any individual who, under the color of law, deprived them of their rights provided by the Constitution.

For more information please contact:

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¹<https://www.aclu.org/news/civil-liberties/how-trumps-attacks-on-democracy-put-the-constitution-at-risk>

²statedemocracy.law.wisc.edu/featured/2025/explainer-state-created-damages-remedies-against-federal-officials/

³<https://www.law.cornell.edu/uscode/text/42/1983>