

# HOUSE BILL 785

D3, E2

4lr1646

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By: **Delegates George, Afzali, Jameson, Kipke, McComas, McMillan,  
Rosenberg, Stocksdales, Szeliga, Vitale, and Wilson**

Introduced and read first time: February 3, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Drones – Unauthorized Surveillance**

FOR the purpose of prohibiting a law enforcement agency from using a drone to gather evidence or other information except under certain circumstances; authorizing an aggrieved party to initiate a certain civil action against a law enforcement agency; prohibiting a person or certain agency from using a drone to conduct surveillance or observation of a certain individual or property except under certain circumstances; authorizing an aggrieved party to initiate a certain civil action to prevent or remedy a violation of this Act; establishing that evidence collected in violation of this Act is not admissible as evidence in a certain proceeding in the State; defining certain terms; providing for the construction of this Act; and generally relating to unauthorized surveillance by drones.

BY adding to

Article – Criminal Procedure

Section 1–203.1

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 3–1901 and 3–1902 to be under the new subtitle “Subtitle 19. Civil  
Damages for Unauthorized Surveillance by Drones”

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Procedure**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**1-203.1.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “DRONE” MEANS A POWERED AERIAL VEHICLE THAT:**

- (I) DOES NOT CARRY A HUMAN OPERATOR;**
- (II) USES AERODYNAMIC FORCES TO PROVIDE VEHICLE LIFT;**
- (III) CAN FLY AUTONOMOUSLY OR BE PILOTED REMOTELY;**
- (IV) IS EXPENDABLE OR RECOVERABLE; AND**
- (V) CAN CARRY A LETHAL OR NONLETHAL PAYLOAD.**

**(3) “EMERGENCY” HAS THE MEANING STATED IN § 2-412 OF THE PUBLIC SAFETY ARTICLE.**

**(4) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY ARTICLE.**

**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY MAY NOT USE A DRONE TO GATHER EVIDENCE OR OTHER INFORMATION.**

**(2) THIS SUBSECTION DOES NOT APPLY TO THE USE OF A DRONE TO RESPOND TO AN EMERGENCY.**

**(C) (1) AN AGGRIEVED PARTY MAY INITIATE A CIVIL ACTION AGAINST A LAW ENFORCEMENT AGENCY TO OBTAIN ALL APPROPRIATE RELIEF TO PREVENT OR REMEDY A VIOLATION OF THIS SECTION.**

**(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT THE APPLICATION OF TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE OR TITLE 5, SUBTITLE 3 OF THE COURTS ARTICLE.**

**(D) EVIDENCE OBTAINED OR COLLECTED IN VIOLATION OF THIS SECTION IS NOT ADMISSIBLE AS EVIDENCE IN A CRIMINAL PROSECUTION IN A COURT OF LAW IN THE STATE.**

**Article – Courts and Judicial Proceedings****SUBTITLE 19. CIVIL DAMAGES FOR UNAUTHORIZED SURVEILLANCE BY DRONES.****3–1901.**

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

(B) “DRONE” HAS THE MEANING STATED IN § 1–203.1 OF THE CRIMINAL PROCEDURE ARTICLE.

(C) “EMERGENCY” HAS THE MEANING STATED IN § 2–412 OF THE PUBLIC SAFETY ARTICLE.

(D) “FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY” HAS THE MEANING STATED IN § 7–101 OF THE PUBLIC SAFETY ARTICLE.

(E) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10–101 OF THE EDUCATION ARTICLE.

(F) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201 OF THE PUBLIC SAFETY ARTICLE.

(G) “MODEL AIRCRAFT” MEANS AN UNMANNED AIRCRAFT THAT IS:

- (1) CAPABLE OF SUSTAINED FLIGHT IN THE ATMOSPHERE;
- (2) FLOWN WITHIN VISUAL LINE OF SIGHT OF THE PERSON REMOTELY OPERATING THE AIRCRAFT; AND
- (3) FLOWN FOR HOBBY OR RECREATIONAL PURPOSES.

**3–1902.**

(A) A PERSON, STATE AGENCY, OR LOCAL GOVERNMENTAL AGENCY MAY NOT USE A DRONE TO CONDUCT SURVEILLANCE OR OBSERVATION OF ANY INDIVIDUAL, PROPERTY OWNED BY AN INDIVIDUAL, FARM, OR AGRICULTURAL INDUSTRY WITHOUT THE CONSENT OF THAT INDIVIDUAL, PROPERTY OWNER, FARM, OR AGRICULTURAL INDUSTRY.

(B) THIS SECTION DOES NOT PROHIBIT THE USE OF MODEL AIRCRAFT.

**(C) THIS SECTION DOES NOT APPLY TO:**

**(1) A LAW ENFORCEMENT AGENCY OR FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES RESPONDING TO AN EMERGENCY; OR**

**(2) AN INSTITUTION OF HIGHER EDUCATION LOCATED IN THE STATE THAT IS CONDUCTING EDUCATIONAL, RESEARCH, OR TRAINING PROGRAMS WITHIN THE SCOPE OF THE MISSION, GRANT REQUIREMENTS, CURRICULUM, OR COLLABORATION WITH THE UNITED STATES DEPARTMENT OF DEFENSE.**

**(D) (1) AN AGGRIEVED PARTY MAY INITIATE A CIVIL ACTION AGAINST A PERSON OR AN AGENCY TO OBTAIN ALL APPROPRIATE RELIEF TO PREVENT OR REMEDY A VIOLATION OF THIS SECTION.**

**(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT THE APPLICATION OF TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE OR TITLE 5, SUBTITLE 3 OF THIS ARTICLE.**

**(E) EVIDENCE OBTAINED OR COLLECTED IN VIOLATION OF THIS SECTION IS NOT ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION IN A COURT OF LAW IN THE STATE OR AN ADMINISTRATIVE HEARING IN THE STATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.