

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 954
Judiciary

(Delegate Grammer, *et al.*)

Public Safety - State and Local Governments - Use of Unmanned Aircraft

This bill, with specified exceptions, prohibits a unit of State government or a political subdivision of the State from (1) deploying or operating an unmanned aircraft for surveillance, evidence collection, or any other purpose or (2) using information acquired through the use of an unmanned aircraft operated by any entity, whether public or private. Any evidence obtained through the use of an unmanned aircraft in violation of the bill's provisions is inadmissible in any criminal, civil, or administrative proceeding.

Fiscal Summary

State Effect: Potential significant operational impact for some State agencies, as discussed below. State finances are not anticipated to be materially affected.

Local Effect: Potential operational impact for some local governments. Local finances are not anticipated to be affected.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: A unit of State government or a political subdivision of the State *may* deploy or operate an unmanned aircraft:

- in accordance with a valid search warrant issued by a judge;
- at a location for the purpose of executing an arrest warrant ;
- in fresh pursuit of a suspect, as specified;

- to assist in an active search and rescue operation;
- to locate an escaped prisoner;
- if a law enforcement officer reasonably believes that the use of aircraft is necessary to prevent imminent serious bodily harm to an individual; or
- if the U.S. Secretary of Homeland Security determines that credible intelligence indicates that there is a high risk of a terrorist attack by a specific individual or organization and that use of an unmanned aircraft is necessary to counter the risk.

“Aircraft” means a device that is used or intended to be used for flight in the air. “Unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Current Law: Maryland currently has no laws limiting the use of aerial surveillance. The Fourth Amendment to the U.S. Constitution protects individuals from unreasonable searches and seizures by the government and has been interpreted to create a right of privacy. The reasonableness of a governmental search often depends on the reasonableness of the expectation of privacy on the part of the person subject to the search, the location of the search, and the breadth of information gathered.

Generally, U.S. Supreme Court decisions have held a warrantless search of an individual’s home to be unreasonable, with certain clearly delineated exceptions. However, courts have also held that the Fourth Amendment does not protect individuals from searches that take place in “open fields” because it is unreasonable for a person to have an expectation of privacy over activities that take place in such areas. Technological advances have made traditional legal standards that were often location-based difficult to apply, and courts and lawmakers have increasingly had to grapple with the threshold question of whether information gathered through emerging technology constitutes a search at all.

State Fiscal Effect: While not expected to result in a material fiscal impact, the bill results in potentially significant operational impacts for several State agencies (in particular, those with law enforcement units). For example:

- the Department of Public Safety and Correctional Services advises that the bill affects the ability of the department’s Investigative and Intelligence Division to conduct surveillance to prevent the introduction of contraband to State correctional facilities;
- the Department of State Police advises that the State Fire Marshal uses drones during arson and explosives investigations in order to determine the origin of an arson or explosive-related incident and to determine if a structure is safe to enter; and

- the Maryland Department of Transportation and the Maryland Transportation Authority advise that drones are used for crash reconstruction and related traffic movements.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; Maryland Municipal League; Alcohol, Tobacco, and Cannabis Commission; Comptroller's Office; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Department of Housing and Community Development; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2025
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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510