

SB0178/333525/1

BY: Delegate Hornberger

AMENDMENTS TO SENATE BILL 178, AS AMENDED

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (SB0178/562718/1), in line 2 of Amendment No. 1, before "**Search**" insert "**Persistent Aerial Surveillance,**"; and in the same line, after "**Warrants**" insert a comma.

On page 2 of the House Judiciary Committee Amendments, in line 12 of Amendment No. 1, after "Assembly;" insert "prohibiting persistent aerial surveillance by a certain unit, agency, or political subdivision to gather certain evidence or information in a criminal investigation; providing certain exceptions to the prohibition;"; in line 13, before "search" insert "persistent aerial surveillance,"; and in the same line, after "warrants" insert a comma.

On page 3 of the House Judiciary Committee Amendments, in line 11 of Amendment No. 1, after "3-523" insert "and 3-524".

AMENDMENT NO. 2

On page 20 of the House Judiciary Committee Amendments, in line 15 of Amendment No. 3, after "**ASSEMBLY.**" insert

3-524.

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

(2) "AIRCRAFT" MEANS ANY DEVICE USED OR DESIGNED FOR NAVIGATION OF OR FLIGHT IN THE AIR.

(Over)

(3) “PERSISTENT AERIAL SURVEILLANCE” MEANS THE USE OF AIRCRAFT TO RECORD VIDEO OR A CONCURRENT SERIES OF IMAGES OR PICTURES THAT WHEN VIEWED IN AGGREGATE DEPICT A PERSON’S ACTIONS OVER TIME.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A UNIT OR AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT CONDUCT PERSISTENT AERIAL SURVEILLANCE TO GATHER EVIDENCE OR OTHER INFORMATION IN A CRIMINAL INVESTIGATION.

(C) A UNIT OR AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY CONDUCT PERSISTENT AERIAL SURVEILLANCE:

(1) IN ACCORDANCE WITH A VALID SEARCH WARRANT ISSUED BY A JUDGE;

(2) ON A LOCATION FOR THE PURPOSE OF EXECUTING AN ARREST WARRANT;

(3) IN FRESH PURSUIT OF A SUSPECT, AS DEFINED IN § 2-304 OF THE CRIMINAL PROCEDURE ARTICLE;

(4) TO ASSIST IN AN ACTIVE SEARCH AND RESCUE OPERATION;

(5) TO LOCATE AN ESCAPED PRISONER;

(6) IF A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT THE USE OF AIRCRAFT IS NECESSARY TO PREVENT IMMINENT:

(I) SERIOUS BODILY HARM TO AN INDIVIDUAL; OR

(II) DESTRUCTION OF EVIDENCE; OR

(7) IF THE UNITED STATES SECRETARY OF HOMELAND SECURITY DETERMINES THAT CREDIBLE INTELLIGENCE INDICATES THAT THERE IS A HIGH RISK OF TERRORIST ATTACK BY A SPECIFIC INDIVIDUAL OR ORGANIZATION, TO COUNTER SUCH A RISK.”