

HOUSE BILL 228

E4
HB 545/22 – JUD

3lr1421

By: **Delegate Grammer**

Introduced and read first time: January 23, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Persistent Aerial Surveillance**

3 FOR the purpose of prohibiting persistent aerial surveillance by a certain unit, agency, or
4 political subdivision to gather certain evidence or information in a criminal
5 investigation, subject to certain exceptions; and generally relating to persistent
6 aerial surveillance.

7 BY repealing and reenacting, without amendments,
8 Article – Transportation
9 Section 5–101(a) and (e)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2022 Supplement)

12 BY adding to
13 Article – Public Safety
14 Section 3–531
15 Annotated Code of Maryland
16 (2022 Replacement Volume)

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

19 **Article – Transportation**

20 5–101.

21 (a) In this title the following words have the meanings indicated.

22 (e) “Aircraft” means any device used or designed for navigation of or flight in the
23 air.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

3-531.

(A) IN THIS SECTION, “PERSISTENT AERIAL SURVEILLANCE” MEANS THE USE OF AIRCRAFT, AS DEFINED IN § 5-101 OF THE TRANSPORTATION ARTICLE, 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 A TERRORIST ATTACK BY A SPECIFIC INDIVIDUAL OR ORGANIZATION AND THAT PERSISTENT AERIAL SURVEILLANCE IS NECESSARY TO COUNTER SUCH A RISK.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

