

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1349
Judiciary

(Delegate Tomlinson, *et al.*)

Criminal Law - Unmanned Aircraft Systems - Trespass and Surveillance

This bill prohibits a person from knowingly and intentionally causing an “unmanned aircraft system” to enter the property of another person and come within 50 feet of a dwelling with the intent to (1) coerce, intimidate, or harass another person or (2) obtain videographic or photographic images of the property, the property owner, a resident, or a guest. This prohibition does not apply to a person who (1) has been given consent to enter the property by someone with legal authority to do so or by someone who is lawfully present on the property or (2) is authorized by federal law or regulation to operate an unmanned aircraft system and does so in a manner consistent with the law or regulation. A violator is guilty of a misdemeanor and on conviction is subject to imprisonment for up to one year and/or a maximum fine of \$5,000.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: “Unmanned aircraft system” means an unmanned aircraft and all the associated support equipment, control stations, data links, telemetry, communications and navigation equipment, and other equipment necessary to operate the unmanned aircraft.

Pursuant to Chapter 164 of 2015, only the State may enact a law or take other official action to restrict, prohibit, or otherwise regulate the testing or operation of unmanned aircraft systems. The authority of a county or municipality to prohibit, restrict, or otherwise

regulate the testing or operation of unmanned aircraft systems is preempted by this law, and any prior enacted local laws are superseded.

Chapter 101 of 2024 prohibits a person from intentionally operating an unmanned aircraft over a correctional facility for the purpose of photographing or recording images of the correctional facility unless authorized by the managing official of the facility or the Secretary of Public Safety and Correctional Services. A person is also prohibited from delivering any contraband to a person detained or confined in a place of confinement using an unmanned aircraft. A person who violates either of these prohibitions is guilty of a misdemeanor and on conviction is subject to imprisonment for up to three years and/or a \$1,000 maximum fine.

Maryland does not have any other laws regulating the use of unmanned aircraft or unmanned aircraft systems. Additionally, Maryland does not have any laws limiting the use of aerial surveillance by a unit of State government or a political subdivision of the State. However, the Fourth Amendment to the U.S. Constitution does protect 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.

State and Local Fiscal Effect: The bill is not anticipated to materially affect State and local finances or operations. This estimate assumes that law enforcement activities are covered by the bill's exemption for federally authorized unmanned aircraft operators.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore City; Kent and Worcester counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Legislative Services

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