

HOUSE BILL 398

E4
HB 682/25 – JUD

6lr0943

By: **Delegate Grammer**

Introduced and read first time: January 22, 2026

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 2025 Supplement)

12 BY adding to

13 Article – Public Safety

14 Section 3–535

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2025 Supplement)

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.



1 Article – Public Safety

2 3–535.

3 (A) IN THIS SECTION, “PERSISTENT AERIAL SURVEILLANCE” MEANS THE
4 USE OF AIRCRAFT, AS DEFINED IN § 5–101 OF THE TRANSPORTATION ARTICLE, TO
5 RECORD VIDEO OR A CONCURRENT SERIES OF IMAGES OR PICTURES THAT WHEN
6 VIEWED IN AGGREGATE DEPICT A PERSON’S ACTIONS OVER TIME.7 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A UNIT OR
8 AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT
9 CONDUCT PERSISTENT AERIAL SURVEILLANCE TO GATHER EVIDENCE OR OTHER
10 INFORMATION IN A CRIMINAL INVESTIGATION.11 (C) A UNIT OR AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF
12 THE STATE MAY CONDUCT PERSISTENT AERIAL SURVEILLANCE:13 (1) IN ACCORDANCE WITH A VALID SEARCH WARRANT ISSUED BY A
14 JUDGE;15 (2) ON A LOCATION FOR THE PURPOSE OF EXECUTING AN ARREST
16 WARRANT;17 (3) IN FRESH PURSUIT OF A SUSPECT, AS DEFINED IN § 2–304 OF THE
18 CRIMINAL PROCEDURE ARTICLE;

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

20 (5) TO LOCATE AN ESCAPED PRISONER;

21 (6) IF A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT
22 THE USE OF AIRCRAFT IS NECESSARY TO PREVENT IMMINENT SERIOUS BODILY
23 HARM TO AN INDIVIDUAL; OR24 (7) IF THE UNITED STATES SECRETARY OF HOMELAND SECURITY
25 DETERMINES THAT CREDIBLE INTELLIGENCE INDICATES THAT THERE IS A HIGH
26 RISK OF A TERRORIST ATTACK BY A SPECIFIC INDIVIDUAL OR ORGANIZATION AND
27 THAT PERSISTENT AERIAL SURVEILLANCE IS NECESSARY TO COUNTER SUCH A RISK.28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2026.