HOUSE BILL 762

E2   6lr0750

By: **Delegate Conaway**
Introduced and read first time: February 4, 2026
Assigned to: Judiciary

A BILL ENTITLED

1   AN ACT concerning

2   **Law Enforcement – Use of Facial Recognition Technology – Images Captured by**
3   **Camera Affixed to Dwelling Exterior**

4   FOR the purpose of authorizing the use of facial recognition technology by law enforcement
5   to investigate the commission or attempted commission of certain crimes if the image
6   used by facial recognition technology was captured by a certain camera affixed to the
7   exterior of a dwelling; and generally relating to the use of facial recognition
8   technology by law enforcement.

9   BY repealing and reenacting, without amendments,
10   Article – Criminal Procedure
11   Section 2–501
12   Annotated Code of Maryland
13   (2025 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15   Article – Criminal Procedure
16   Section 2–503
17   Annotated Code of Maryland
18   (2025 Replacement Volume)

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

Article – Criminal Procedure

22 2–501.

23   (a)   In this subtitle the following words have the meanings indicated.

1   (b)   (1)   "Facial recognition technology" means a computer program, a service,
2 or any other technology that analyzes facial features and is used by or at the direction of a
3 law enforcement agency for the identification, verification, or persistent tracking of
4 individuals in still or video images for use in criminal investigations.

5   (2)   "Facial recognition technology" does not include technology:

6   (i)   used only for the analysis of facial features to grant or deny
7 access to an electronic device; or

8   (ii)   that uses an automated or semiautomated process only for the
9 purpose of redacting a recording or an image for release or disclosure outside a law
10 enforcement agency to protect the privacy of a subject depicted in the recording or image if
11 the process does not generate or result in the retention of any biometric data or surveillance
12 information.

13   (c)   "Law enforcement agency" has the meaning stated in § 2–101 of the Public
14 Safety Article.

15 2–503.

16   (a)   (1)   **[A]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
17 **SUBSECTION, A** police officer or other employee or agent of a law enforcement agency may
18 not, in the furtherance of a criminal investigation:

19   (i)   use facial recognition technology to investigate a crime other
20 than the commission of or the attempt to commit:

21   1.   a crime of violence as defined in § 14–101 of the Criminal
22 Law Article;

23   2.   a human trafficking offense under Title 3, Subtitle 11 of
24 the Criminal Law Article;

25   3.   first– or second–degree child abuse under § 3–601 of the
26 Criminal Law Article;

27   4.   a child pornography offense under § 11–207 of the
28 Criminal Law Article;

29   5.   a hate crime under § 10–304 of the Criminal Law Article;

30   6.   a weapon crime under § 4–102, § 4–103, § 4–203(a)(1)(iii)
31 or (iv), § 4–204, or § 4–303(a)(2) of the Criminal Law Article;

32   7.   a weapon crime under § 5–138, § 5–140, § 5–141, §
33 5–207(c)(16), § 5–406(a)(3), or § 5–703(a) of the Public Safety Article;

1   8.   aggravated cruelty to animals under § 10–606 or § 10–607
2 of the Criminal Law Article;

3   9.   importation of fentanyl or a fentanyl analogue under §
4 5–614(a)(1)(xii) of the Criminal Law Article;

5   10.   stalking under § 3–802 of the Criminal Law Article;

6   11.   a criminal act involving circumstances presenting a
7 substantial and ongoing threat to public safety or national security; or

8   12.   a crime under the laws of another state substantially
9 equivalent to a crime listed in items 1 through 10 of this item involving a fugitive from
10 justice charged with a crime in that state and sought under Title 9 of this article;

11   (ii)   analyze an image or a recording of an individual:

12   1.   engaged in activity protected under the United States
13 Constitution, the Maryland Constitution, or the Maryland Declaration of Rights, unless
14 there is reasonable suspicion to believe that the individual has committed, is in the process
15 of committing, or is about to commit a crime; or

16   2.   who is not intended to be identified;

17   (iii) use facial recognition technology to analyze a sketch or manually
18 produced image;

19   (iv) disclose to a witness in the criminal investigation, prior to the
20 witness participating in a live identification or photo array identification, that a particular
21 suspect or image of a suspect was identified using facial recognition technology; or

22   (v)   use facial recognition technology for the purpose of live or
23 real–time identification of an image or a recording.

24   **(2)**   **(I)**   **IN THIS PARAGRAPH, "DWELLING" MEANS A STRUCTURE**
25 **ANY PART OF WHICH HAS BEEN ADAPTED FOR OVERNIGHT ACCOMMODATION OF AN**
26 **INDIVIDUAL REGARDLESS OF WHETHER AN INDIVIDUAL IS ACTUALLY PRESENT.**

27   **(II)**   **IF A STILL OR VIDEO IMAGE WAS CAPTURED BY A CAMERA**
28 **AFFIXED TO THE EXTERIOR OF A DWELLING BY THE OWNER OR LAWFUL TENANT OF**
29 **THE DWELLING, A POLICE OFFICER OR OTHER EMPLOYEE OR AGENT OF A LAW**
30 **ENFORCEMENT AGENCY MAY USE FACIAL RECOGNITION TECHNOLOGY TO**
31 **INVESTIGATE THE COMMISSION OF OR THE ATTEMPT TO COMMIT:**

1   **1.   ARSON IN THE FIRST DEGREE UNDER § 6–102 OF THE**
2   **CRIMINAL LAW ARTICLE;**

3   **2.   ARSON IN THE SECOND DEGREE UNDER § 6–103 OF**
4   **THE CRIMINAL LAW ARTICLE;**

5   **3.   BURGLARY IN THE FIRST DEGREE UNDER § 6–202 OF**
6   **THE CRIMINAL LAW ARTICLE;**

7   **4.   BURGLARY IN THE SECOND DEGREE UNDER § 6–203**
8   **OF THE CRIMINAL LAW ARTICLE;**

9   **5.   BURGLARY IN THE THIRD DEGREE UNDER § 6–204 OF**
10   **THE CRIMINAL LAW ARTICLE;**

11   **6.   BURGLARY IN THE FOURTH DEGREE UNDER § 6–205**
12   **OF THE CRIMINAL LAW ARTICLE;**

13   **7.   BREAKING AND ENTERING MOTOR VEHICLE – ROGUE**
14   **AND VAGABOND UNDER § 6–206 OF THE CRIMINAL LAW ARTICLE;**

15   **8.   TRESPASS ON POSTED PROPERTY UNDER § 6–402 OF**
16   **THE CRIMINAL LAW ARTICLE;**

17   **9.   WANTON TRESPASS ON PRIVATE PROPERTY UNDER §**
18   **6–403 OF THE CRIMINAL LAW ARTICLE;**

19   **10.   USE OF A VEHICLE ON PRIVATE PROPERTY UNDER §**
20   **6–404 OF THE CRIMINAL LAW ARTICLE;**

21   **11.   WANTON ENTRY ON CULTIVATED LAND UNDER §**
22   **6–406 OF THE CRIMINAL LAW ARTICLE; OR**

23   **12.   ENTRY ON PROPERTY FOR PURPOSE OF INVADING**
24   **PRIVACY OF OCCUPANTS UNDER § 6–408 OF THE CRIMINAL LAW ARTICLE.**

25   **[**(2)**] (3)**   (i)   Except as provided in subparagraph (ii) of this paragraph,
26   an image being evaluated using facial recognition technology may be compared only to
27   images contained in:

28   1.   the database of images of driver's license and
29   identification card photos maintained by the Motor Vehicle Administration or the
30   department of motor vehicles of another state; or

1   2.   a database of mugshot photos maintained by a local, State,
2   or federal law enforcement agency or a law enforcement agency of another country.

3   (ii)   An image being evaluated using facial recognition technology
4   may be compared to an image contained in a database other than a database described in
5   subparagraph (i) of this paragraph if:

6   1.   the law enforcement agency conducting the investigation
7   has entered into an agreement with the entity that maintains the database governing the
8   methods by which images in the database are collected; and

9   2.   the agreement provides that the agreement will be
10   terminated in the event that the entity maintaining the database commits a material
11   breach of the provisions governing the methods by which images in the database are
12   collected.

13   **[**(3)**]** **(4)**   Before being used for any purpose in relation to a criminal
14   investigation, a result generated by facial recognition technology shall be independently
15   verified by an individual who has completed training in accordance with § 2–505 of this
16   subtitle.

17   (b)   A police officer or other employee or agent of a law enforcement agency may
18   not use facial recognition technology to identify an individual solely based on:

19   (1)   the police officer's, employee's, or agent's personal interest not related
20   to legitimate duties or objectives of the law enforcement agency;

21   (2)   the individual's political or social beliefs or activities;

22   (3)   the individual's participation in lawful activities; or

23   (4)   the individual's race, color, religious beliefs, sexual orientation, gender,
24   disability, national origin, or status as being homeless.

25   (c)   (1)   Except as provided in paragraph (2) of this subsection and subject to
26   paragraph (3) of this subsection, a result generated by facial recognition technology in
27   violation of this section and all other evidence subsequently derived from the result may
28   not be introduced by the State for any purpose in a criminal court proceeding or in a juvenile
29   court proceeding under Title 3, Subtitle 8A of the Courts Article.

30   (2)   Evidence derived from a result generated in violation of subsection
31   (a)(1) **OR (2)** of this section may be introduced for a purpose described in § 2–502 of this
32   subtitle if the court finds that the evidence would otherwise be subject to a legally valid
33   exception to the exclusionary rule.

1   (3)   This subsection may not be construed to allow the use of a result
2   generated using facial recognition technology to be introduced as evidence in a criminal
3   trial or in an adjudicatory hearing held under § 3–8A–18 of the Courts Article.

4   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5   October 1, 2026.