

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 471

(Delegate Grammer)

Judiciary

Public Safety - State and Local Governments - Use of Unmanned Aircraft

This bill, with specified exceptions, prohibits a unit of State government or a political subdivision of the State from (1) deploying or operating an unmanned aircraft for surveillance, evidence collection, or any other purpose or (2) using information acquired through the use of an unmanned aircraft operated by any entity, whether public or private. Any evidence obtained through the use of an unmanned aircraft in violation of the bill's provisions is inadmissible in any criminal, civil, or administrative proceeding.

Fiscal Summary

State Effect: Potential significant decrease in federal fund revenues (and corresponding expenditures) for the Maryland Department of Transportation (MDOT) in FY 2027 and potentially in future years, as discussed below. In addition, the bill has a significant operational impact for some State agencies, as discussed below.

Local Effect: Potential operational impact for some local governments. Local finances are not anticipated to be affected.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: A unit of State government or a political subdivision of the State *may* deploy or operate an unmanned aircraft:

- in accordance with a valid search warrant issued by a judge;
- at a location for the purpose of executing an arrest warrant ;
- in fresh pursuit of a suspect, as specified;

- to assist in an active search and rescue operation;
- to locate an escaped prisoner;
- if a law enforcement officer reasonably believes that the use of aircraft is necessary to prevent imminent serious bodily harm to an individual; or
- if the U.S. 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 use of an unmanned aircraft is necessary to counter the risk.

“Aircraft” means a device that is used or intended to be used for flight in the air. “Unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Current Law: Maryland currently has no laws limiting the use of aerial surveillance. The Fourth Amendment to the U.S. Constitution protects 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.

Generally, U.S. Supreme Court decisions have held a warrantless search of an individual’s home to be unreasonable, with certain clearly delineated exceptions. However, courts have also held that the Fourth Amendment does not protect individuals from searches that take place in “open fields” because it is unreasonable for a person to have an expectation of privacy over activities that take place in such areas. Technological advances have made traditional legal standards that were often location-based difficult to apply, and courts and lawmakers have increasingly had to grapple with the threshold question of whether information gathered through emerging technology constitutes a search at all.

State Fiscal Effect: The bill may result in a significant decrease in federal fund revenues (and corresponding expenditures) in fiscal 2027 (and potentially in future fiscal years). MDOT advises that the State Highway Administration (SHA) received a Strengthening Mobility and Revolutionizing Transportation (SMART) grant award for \$1.6 million from the U.S. Department of Transportation to pilot drone technology for real-time traffic analysis. To date, SHA has expended approximately \$408,000 of the SMART grant; thus, unless fully expended before the bill’s October 1, 2026 effective date, SHA must forfeit up to the approximately \$1.2 million remaining in federal funds for the program. The timeline within which SHA would otherwise fully spend the SMART grant is unknown, as is the extent to which SHA might otherwise receive similar federal grants in the future.

In addition to the potential effect on MDOT’s federal funds, the bill results in potentially significant operational impacts for several State agencies (in particular, those with law enforcement units). For example:

- the Alcohol, Tobacco, and Cannabis Commission reports that the bill restricts the use of drones in investigations and inspections relating to the regulation of alcohol, tobacco, and cannabis;
- the Department of State Police (DSP) advises that the State Fire Marshal uses drones during arson and explosives investigations in order to determine the origin of an arson or explosive-related incident and to determine if a structure is safe to enter. In addition, DSP uses drones for crash investigations to map crash scenes and to determine cause and effect of accidents;
- the Public Service Commission reports that the prohibition on unmanned aircraft images could impede the introduction of some illustrative evidence in administrative proceedings;
- MDOT and the Maryland Transportation Authority advise that drones are used for crash reconstruction, site investigations, design aid, condition assessments of assets (such as bridges), environmental studies, construction programs, and work zone safety planning and analysis, among other activities; and
- the University System of Maryland reports that the University of Maryland College Park uses drones to ensure public safety at events or activities with large crowds or public safety concerns. In addition, Bowie State University partners with DSP and the Prince George's County Police Department for drone support at major campus events, including homecoming and commencement.

The extent to which any affected State entities incur additional costs to use alternatives to unmanned aircraft in their operations is unclear and has not been included in this analysis.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 954 of 2025.

Designated Cross File: None.

Information Source(s): Calvert and Prince George's counties; City of Annapolis; Maryland Municipal League; Alcohol, Tobacco, and Cannabis Commission; Comptroller's Office; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Baltimore City Community College; University System of Maryland; Morgan State University; Maryland Department of Agriculture; Maryland Department of the Environment; Department of Juvenile Services; Maryland Department of Labor; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Public Service Commission; Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510