



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: HB 682 – Public Safety – Persistent Aerial Surveillance**

**FROM: Maryland Office of the Public Defender**

**POSITION: Informational**

**DATE: February 25, 2025**

The Maryland Office of the Public Defender takes no position on House Bill 682, but would like to express our concerns.

It is our position that the use of persistent surveillance should be curtailed as much as possible, as it is an overly broad invasive tool that acts as a general warrant capturing data on large numbers of individuals, the overwhelming majority of whom are not suspected of wrongdoing.

Fortunately, the Fourth circuit court of appeals seems to agree with us in last year's ruling in Leaders of a Beautiful Struggle v. Baltimore Police Department, 2 F.4<sup>th</sup> 3330 (2022) after an en banc rehearing.

Our concerns are that even though this bill does limit the use of persistent surveillance, it does not expressly prohibit the use of information acquired by this technique the way that HB954, the companion bill does. This kind of broad surveillance technique is capable of acquiring lot of information, much or most of which is not germane to the reason for its instant use. It is imperative that this information be protected from abuse.

One other thing that I would like to bring to the committee's attention is that there are two bills on the committee's docket today that pertain to surveillance technology used by law enforcement. In recent years surreptitious surveillance techniques of varying levels of invasiveness and effectiveness have been used throughout the state on the citizens of Maryland, leaving our office in the position of playing catch-up in terms of learning first, that these techniques have been used, and second to learn about these techniques, their capabilities and their shortcomings with disclosures that are often incomplete and opaque.

While such legislation is not before the assembly this year, I would urge this committee to consider adopting a more wholistic approach in terms of regulating these technologies rather than the current piecemeal fashion. Such an approach would still allow for useful technologies to be implemented but ensure that they are done so in a transparent, constitutional and scientifically reliable manner.

.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**  
**Authored by: Andrew Northrup, Senior Attorney, Forensics Division,**  
[Andrew.northrup@maryland.gov](mailto:Andrew.northrup@maryland.gov)