

Support with amendments (FWA)

HB0398 - Public Safety - Persistent Aerial Surveillance

I am in favor of HB0398 - Public Safety - Persistent Aerial Surveillance, but request amendments be made to the exemptions stated below.

Exemptions to this bill state:

“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 UNITED STATES 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 PERSISTENT AERIAL SURVEILLANCE IS NECESSARY TO COUNTER SUCH A RISK.”

As of September 25, 2025, the current administration has expanded its scope of terrorist groups under the National Security Presidential Memorandum-7 (NSPM-7) to include “anti-Americanism, anti-capitalism, and anti-Christianity ... extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.” Because of the subjective nature and vague language of this memorandum, as well as the directive for the United States Attorney General as well as the Joint Terrorism Task Force (JTTF) “coordinate and supervise a comprehensive national strategy to investigate, prosecute, and disrupt entities and individuals” under the groups and sentiments outlined in NSPM-7, what defines criminal or terrorist activity is now at the discretion of the current presidential administration.

Additionally, The Attorney General may also "recommend that any group or entity whose members are engaged in activities meeting the definition of 'domestic terrorism' in 18 U.S.C. 2331(5) merits designation as a 'domestic terrorist organization.'" The Treasury Secretary and Commissioner of Internal Revenue are instructed to disrupt the funding sources of organizations found to be involved in "political violence or domestic terrorism."

Because of the current designation of terrorist or criminal activity being expanded to the Constitutionally protected freedom of speech/freedom of religion/right to assemble, I do not feel there should be exemptions afforded to allow surveillance based on the presumption of assumed criminal or terrorist activity. Such exemptions could be used to infringe upon the Constitutionally protected rights of individuals and organizations and, subsequently, erode the civil liberties which constitute our democracy.

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