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POSITION ON PROPOSED LEGISLATION

**BILL: HB 756- Law Enforcement – Use of Facial Recognition Technology –
Images Captured in Dwelling Interior**

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 24, 2026

The Maryland Office of the Public Defender (OPD) strongly urges the Committee to issue an unfavorable report on House Bill 756, as this bill would expand the number of crimes for which Facial Recognition Technology can be used without a compelling reason to do so.

Two years ago, the General Assembly, recognizing the potential for the misuse of Facial Recognition Technology, passed legislation placing guardrails on its use by the government. To that end, the legislature limited the types of crimes for which this technology could be used to the most serious of offenses. This list was deliberately and thoughtfully crafted over an extended period of time with input from all stakeholders. This bill seeks to change that, but only for interior dwelling cameras, which is a distinction that makes no sense.

Interior dwelling cameras, by and large, are maintained by private individuals, so the quality of the images can vary greatly based upon camera quality, lighting, camera placement and a whole host of factors. This is important, because the effectiveness of the technology depends greatly on the quality of the image searched. By allowing expanded use of the least uniform quality images is a recipe that can lead to misidentifications more frequently. Moreover, these digital images could be subject to manipulation and alteration in ways that could be difficult to detect including the possibility of deepfakes being created and passed off as original footage.

Under current law Facial Recognition Technology can be used to investigate the more serious crimes set forth in the proposed legislation of First Degree Arson and Home Invasion, as these are crimes of violence. However, the legislature has decided that the privacy implications, as well as the potential for misidentification, meant that this technology should not be used for less serious offenses, no matter what the camera source is.

Perhaps in a few years, we should revisit what crimes should be able to be investigated by the use of FRT. However, House Bill 756 is not the vehicle to do so. Expanding the use of Facial Recognition Technology on a set of cameras with the least amount of quality control and oversight is a bad idea and it undermines the safe and sensible use of this technology.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 756.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.