

HOUSE BILL 1065

P1, E4

7lr0917

By: **Delegate Sydnor**

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – State Commission on Surveillance Technology and Civil**
3 **Rights**

4 FOR the purpose of requiring law enforcement agencies in the State to report certain
5 purchases and uses of certain surveillance technology to a certain commission;
6 establishing the State Commission on Surveillance Technology and Civil Rights in
7 the Executive Department; providing for the composition, chair, quorum, meetings,
8 reimbursement, and terms of the Commission; requiring the Office of the Attorney
9 General to provide staffing for the Commission; establishing the purposes and
10 powers of the Commission; requiring all State departments, agencies, and offices and
11 the departments, agencies, and offices of a political subdivision of the State to
12 provide certain information and materials when requested by the Commission;
13 providing for the Commission's annual reporting to the General Assembly; defining
14 certain terms; and generally relating to the State Commission on Surveillance
15 Technology and Civil Rights.

16 BY adding to
17 Article – Public Safety
18 Section 3–520
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2016 Supplement)

21 BY adding to
22 Article – State Government
23 Section 9–3301 to be under the new subtitle “Subtitle 33. State Commission on
24 Surveillance Technology and Civil Rights”
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

3–520.

(A) IN THIS SECTION, “SURVEILLANCE DEVICE” MEANS AN ELECTRONIC DEVICE, A SYSTEM, OR A COMPUTER PROGRAM THAT ALLOWS A PERSON TO MONITOR THE ACTIVITIES OF ANOTHER.

(B) ON OR BEFORE APRIL 1 ANNUALLY, EACH LAW ENFORCEMENT AGENCY SHALL REPORT TO THE STATE COMMISSION ON SURVEILLANCE TECHNOLOGY AND CIVIL RIGHTS, IN ACCORDANCE WITH § 9–3301 OF THE STATE GOVERNMENT ARTICLE:

(1) (I) THE MANUFACTURER AND MODEL NUMBER OF EACH SURVEILLANCE DEVICE PURCHASED OR ACQUIRED BY THE LAW ENFORCEMENT AGENCY IN THE CALENDAR YEAR PRECEDING THE YEAR IN WHICH THE LAW ENFORCEMENT AGENCY IS REPORTING; AND

(II) THE MANUFACTURER AND MODEL NUMBER OF EACH SURVEILLANCE DEVICE THAT THE LAW ENFORCEMENT AGENCY USED TO PERFORM SURVEILLANCE OR INFORMATION–GATHERING ACTIVITIES IN THE CALENDAR YEAR PRECEDING THE YEAR IN WHICH THE LAW ENFORCEMENT AGENCY IS REPORTING; AND

(2) A SUMMARY OF THE TECHNICAL SPECIFICATIONS FOR EACH DEVICE AND PROGRAM REPORTED BY THE LAW ENFORCEMENT AGENCY UNDER PARAGRAPH (1) OF THIS SUBSECTION.

Article – State Government

SUBTITLE 33. STATE COMMISSION ON SURVEILLANCE TECHNOLOGY AND CIVIL RIGHTS.

9–3301.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMMISSION” MEANS THE STATE COMMISSION ON SURVEILLANCE TECHNOLOGY AND CIVIL RIGHTS.

1 **(3) “SURVEILLANCE DEVICE” MEANS AN ELECTRONIC DEVICE, A**
2 **SYSTEM, OR A COMPUTER PROGRAM THAT ALLOWS A PERSON TO MONITOR THE**
3 **ACTIVITIES OF ANOTHER.**

4 **(B) THERE IS A STATE COMMISSION ON SURVEILLANCE TECHNOLOGY AND**
5 **CIVIL RIGHTS IN THE EXECUTIVE DEPARTMENT.**

6 **(C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

7 **(1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY**
8 **THE PRESIDENT OF THE SENATE;**

9 **(2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY**
10 **THE SPEAKER OF THE HOUSE;**

11 **(3) ONE REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES**
12 **UNION, APPOINTED BY THE PUBLIC DEFENDER;**

13 **(4) ONE REPRESENTATIVE OF THE ELECTRONIC PRIVACY**
14 **INFORMATION CENTER, APPOINTED BY THE PUBLIC DEFENDER;**

15 **(5) ONE REPRESENTATIVE OF LOCAL GOVERNMENT, APPOINTED BY**
16 **THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COUNTIES;**

17 **(6) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL’S**
18 **DESIGNEE;**

19 **(7) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER’S**
20 **DESIGNEE;**

21 **(8) THE SECRETARY OF STATE POLICE, OR THE SECRETARY’S**
22 **DESIGNEE; AND**

23 **(9) THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF**
24 **CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR’S DESIGNEE.**

25 **(D) THE COMMISSION SHALL ELECT A CHAIR AT ITS FIRST MEETING IN**
26 **EACH CALENDAR YEAR.**

27 **(E) (1) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE**
28 **COMMISSION IS A QUORUM.**

(2) THE COMMISSION SHALL MEET AT LEAST QUARTERLY EACH YEAR AT THE TIMES AND PLACES DETERMINED BY THE COMMISSION OR THE CHAIR.

(3) A MEMBER OF THE COMMISSION:

(I) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE COMMISSION; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) (1) THE TERM OF AN APPOINTED MEMBER OF THE COMMISSION IS 4 YEARS.

(2) THE TERMS FOR APPOINTED MEMBERS OF THE COMMISSION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS OF THE COMMISSION ON OCTOBER 1, 2017.

(G) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE FOR THE STAFFING OF THE COMMISSION.

(H) THE PURPOSES OF THE COMMISSION ARE TO:

(1) STUDY AND EVALUATE THE USES OF SURVEILLANCE DEVICES DISCLOSED BY LAW ENFORCEMENT AGENCIES IN THE STATE UNDER § 3-520 OF THE PUBLIC SAFETY ARTICLE;

(2) EVALUATE THE POTENTIAL IMPACT OF THE SURVEILLANCE DEVICES THAT THE COMMISSION STUDIES AND EVALUATES ON THE SECURITY AND CIVIL RIGHTS OF INDIVIDUALS IN THE STATE; AND

(3) MAKE RECOMMENDATIONS TO LAW ENFORCEMENT AGENCIES IN THE STATE FOR BEST PRACTICES IN THE USE OF SURVEILLANCE DEVICES BASED ON THE COMMISSION'S FINDINGS.

(I) IN ORDER FOR THE COMMISSION TO CARRY OUT ITS PURPOSES, THE COMMISSION MAY:

(1) REQUEST AND RECEIVE INFORMATION, DOCUMENTS, DATA, REPORTS, PAPERS, OR OTHER MATERIAL RELEVANT TO ACCOMPLISHING THE COMMISSION'S PURPOSES;

(2) HOLD HEARINGS FOR THE PURPOSE OF RECEIVING TESTIMONY AND EVIDENCE FROM ANY INDIVIDUAL;

(3) INTERVIEW OR TAKE STATEMENTS FROM PERSONNEL EMPLOYED BY OR CONTRACTED WITH THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE;

(4) ADMINISTER OATHS; AND

(5) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE OTHER EVIDENCE.

(J) (1) A SUBPOENA ISSUED UNDER THIS SECTION MAY BE ENFORCED JUDICIALLY.

(2) EACH DEPARTMENT, AGENCY, OR OFFICE OF THE STATE AND EACH DEPARTMENT, AGENCY, OR OFFICE OF A POLITICAL SUBDIVISION OF THE STATE SHALL PROVIDE THE COMMISSION WITH ALL INFORMATION, DOCUMENTS, DATA, REPORTS, PAPERS, OR OTHER MATERIAL RELEVANT TO A REQUEST MADE BY THE COMMISSION UNDER THIS SECTION.

(K) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH LAW ENFORCEMENT AGENCIES REPORT TO THE COMMISSION ON THE PURCHASE AND USE OF SURVEILLANCE DEVICES IN THE STATE.

(L) ON OR BEFORE JULY 1 ANNUALLY, THE COMMISSION SHALL REPORT ITS FINDINGS AND PROVIDE A SUMMARY OF ALL OF THE PURCHASES AND USES OF SURVEILLANCE DEVICES REPORTED BY LAW ENFORCEMENT UNDER § 3-520 OF THE PUBLIC SAFETY ARTICLE AND RECOMMENDATIONS THAT THE COMMISSION HAS MADE TO LAW ENFORCEMENT AGENCIES IN THE PRECEDING CALENDAR YEAR TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the State Commission on Surveillance Technology and Civil Rights shall expire as follows:

(1) one member in 2018;

(2) two members in 2019;

(3) three members in 2020; and

(4) one member in 2021.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.