

HOUSE BILL 159

E4
HB 1395/20 – JUD

(PRE-FILED)

11r0693

By: **Delegate Grammer**

Requested: September 18, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Persistent Aerial Surveillance**

3 FOR the purpose of prohibiting persistent aerial surveillance by a certain unit, agency, or
4 political subdivision to gather certain evidence or information in a criminal
5 investigation; providing certain exceptions to the prohibition; defining a certain
6 term; and generally relating to persistent aerial surveillance.

7 BY repealing and reenacting, without amendments,

8 Article – Transportation

9 Section 5–101(a) and (e)

10 Annotated Code of Maryland

11 (2020 Replacement Volume)

12 BY adding to

13 Article – Public Safety

14 Section 3–523

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2020 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 5–101.

21 (a) In this title the following words have the meanings indicated.

22 (e) “Aircraft” means any device used or designed for navigation of or flight in the
23 air.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

3-523.

(A) IN THIS SECTION, “PERSISTENT AERIAL SURVEILLANCE” MEANS THE USE OF AIRCRAFT, AS DEFINED IN § 5-101 OF THE TRANSPORTATION ARTICLE, TO RECORD VIDEO OR A CONCURRENT SERIES OF IMAGES OR PICTURES THAT WHEN VIEWED IN AGGREGATE DEPICT A PERSON’S ACTIONS OVER TIME.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A UNIT OR AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT CONDUCT PERSISTENT AERIAL SURVEILLANCE TO GATHER EVIDENCE OR OTHER INFORMATION IN A CRIMINAL INVESTIGATION.

(C) A UNIT OR AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY CONDUCT PERSISTENT AERIAL SURVEILLANCE:

(1) IN ACCORDANCE WITH A VALID SEARCH WARRANT ISSUED BY A JUDGE;

(2) ON A LOCATION FOR THE PURPOSE OF EXECUTING AN ARREST WARRANT;

(3) IN FRESH PURSUIT OF A SUSPECT, AS DEFINED IN § 2-304 OF THE CRIMINAL PROCEDURE ARTICLE;

(4) TO ASSIST IN AN ACTIVE SEARCH AND RESCUE OPERATION;

(5) TO LOCATE AN ESCAPED PRISONER;

(6) IF A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT THE USE OF AIRCRAFT IS NECESSARY TO PREVENT IMMINENT:

(I) SERIOUS BODILY HARM TO AN INDIVIDUAL; OR

(II) DESTRUCTION OF EVIDENCE; OR

(7) IF THE UNITED STATES SECRETARY OF HOMELAND SECURITY DETERMINES THAT CREDIBLE INTELLIGENCE INDICATES THAT THERE IS A HIGH RISK OF TERRORIST ATTACK BY A SPECIFIC INDIVIDUAL OR ORGANIZATION, TO COUNTER SUCH A RISK.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2021.