

HOUSE BILL 1233

E2, E4

3lr2070

By: **Delegates George, Dwyer, and W. Miller**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Law Enforcement Agencies – Use of Drones**

3 FOR the purpose of prohibiting a law enforcement agency from using a drone to gather
4 evidence or other information without a warrant, except under certain
5 circumstances; authorizing an aggrieved party to initiate a certain civil action
6 against a law enforcement agency; establishing that evidence obtained or
7 collected in violation of this Act is not admissible as evidence in a criminal
8 prosecution in a court of law in this State; defining certain terms; and generally
9 relating to the use of drones by law enforcement.

10 BY adding to

11 Article – Criminal Procedure

12 Section 1–203.1

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2012 Supplement)

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

17 **Article – Criminal Procedure**

18 **1–203.1.**

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

21 **(2) “DRONE” MEANS A POWERED AERIAL VEHICLE THAT:**

22 **(I) DOES NOT CARRY A HUMAN OPERATOR;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) USES AERODYNAMIC FORCES TO PROVIDE VEHICLE**
2 **LIFT;**

3 **(III) CAN FLY AUTONOMOUSLY OR BE PILOTED REMOTELY;**
4 **AND**

5 **(IV) IS EXPENDABLE OR RECOVERABLE.**

6 **(3) “EMERGENCY” HAS THE MEANING STATED IN § 2-412 OF THE**
7 **PUBLIC SAFETY ARTICLE.**

8 **(4) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN**
9 **§ 3-201 OF THE PUBLIC SAFETY ARTICLE.**

10 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
11 **SUBSECTION, A LAW ENFORCEMENT AGENCY MAY NOT USE A DRONE TO GATHER**
12 **EVIDENCE OR OTHER INFORMATION WITHOUT A WARRANT ISSUED IN**
13 **ACCORDANCE WITH § 1-203 OF THIS SUBTITLE.**

14 **(2) THE WARRANT REQUIREMENT CONTAINED IN PARAGRAPH (1)**
15 **OF THIS SUBSECTION DOES NOT APPLY TO THE USE OF A DRONE TO:**

16 **(I) COUNTER A HIGH RISK OF A TERRORIST ATTACK BY A**
17 **SPECIFIC INDIVIDUAL OR ORGANIZATION, IF THE UNITED STATES SECRETARY**
18 **OF HOMELAND SECURITY DETERMINES THAT CREDIBLE INTELLIGENCE**
19 **INDICATES THERE IS THAT RISK; OR**

20 **(II) RESPOND TO AN EMERGENCY.**

21 **(C) AN AGGRIEVED PARTY MAY INITIATE A CIVIL ACTION AGAINST A**
22 **LAW ENFORCEMENT AGENCY TO OBTAIN ALL APPROPRIATE RELIEF TO**
23 **PREVENT OR REMEDY A VIOLATION OF THIS SECTION.**

24 **(D) EVIDENCE OBTAINED OR COLLECTED IN VIOLATION OF THIS**
25 **SECTION IS NOT ADMISSIBLE AS EVIDENCE IN A CRIMINAL PROSECUTION IN A**
26 **COURT OF LAW IN THIS STATE.**

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2013.**