

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 756
Judiciary

(Delegate Conaway)

Law Enforcement - Use of Facial Recognition Technology - Images Captured in Dwelling Interior

This bill authorizes a police officer or other employee or agent of a law enforcement agency to use facial recognition technology (FRT) to investigate the commission of (or the attempt to commit) specified crimes if a still or video image was captured by a camera inside the interior of a dwelling. “Dwelling” means a structure, any part of which has been adapted for overnight accommodation of an individual, regardless of whether an individual is actually present.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Chapters 808 and 809 of 2024 established numerous requirements, procedures, and prohibitions to govern the use of FRT by law enforcement agencies. Generally, a police officer or other employee or agent of a law enforcement agency, in the furtherance of a criminal investigation, may not use FRT except in limited circumstances, including to investigate the commission of or the attempt to commit specified crimes of violence, specified human trafficking offenses, specified child abuse offenses, a specified child pornography offense, specified hate crime offenses, specified weapon crimes, specified animal cruelty offenses, specified drug offenses, a specified stalking offense, a

criminal act that presents a substantial and ongoing threat to public safety or national security, or a crime under the laws of another state substantially equivalent to one of the crimes listed that involves a fugitive from justice charged with a crime in that state and sought for extradition under Title 9 of the Criminal Procedure Article. Numerous specific prohibitions regarding the use of FRT are included in statute. However, statutory provisions may not be construed to restrict the use of FRT for the purpose of (1) identifying a missing, deceased, or incapacitated person; (2) redacting the image of an individual from an image or video for release to protect the individual's privacy; (3) forensic analysis of electronic media seized by law enforcement if the person identified in the seized media is not the subject of the criminal charges resulting from the analysis; (4) enhancing security systems to prevent unauthorized access to information, goods, materials, areas, or other properties under the custody or care of a law enforcement agency; or (5) conducting other legitimate activity unrelated to a criminal investigation.

The Department of State Police (DSP), in consultation with any other relevant State agency, must adopt and publish a model statewide policy regarding FRT. By June 30, 2026, the Department of Public Safety and Correctional Services (DPSCS) must develop and administer a training program regarding the use of FRT in the course of criminal investigations, as specified. A police officer or other employee or agent of a law enforcement agency authorized to use FRT in the course of a criminal investigation must annually complete training administered by DPSCS.

Use of FRT must be in accordance with the model policy adopted by DSP, and law enforcement agencies that use FRT must adopt and maintain a use and data management policy and post the policy on the agency's public website. In addition, a law enforcement agency that contracts for use of a nongovernment facial recognition system must disclose on its public website the name of the system and a description of the databases searched.

A law enforcement agency that uses or contracts for the use of FRT must designate an agency employee to oversee and administer the use of FRT in compliance with statute as well as applicable local laws, regulations, and policies. Before use, a result generated by FRT must be independently verified by an individual who has completed required training by DPSCS.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Dorchester, and Howard counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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