

February 11, 2021

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Mayor and City Council Bill 21-0001 –Surveillance Technology in Baltimore

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0001, which is similar to past City Council Bill 20-0606. The bill would add two sections to the City Code concerning facial recognition software. The bill does not apply to facial recognition software “designed specifically to protect against unauthorized access to a particular location or electronic device.” Additionally, the Maryland Image Repository System is specifically exempt.

First, the bill would add Section 41-4 to Article 5 (Finance, Property and Procurement) to the City Code that would sunset at the end of 2022 unless the law is renewed for another five years. It would prohibit the City from purchasing, obtaining or contracting for the use of a face surveillance system. The City Code can ban the City’s use and purchase of materials. City Charter, Art. II, § (47); Art. VII, §2(a). However, it should be noted that this law would not apply to the Baltimore City Police Department as its ability to purchase, obtain, contract or use a particular product could not be impeded by an ordinance of the Mayor and City Council of Baltimore. Charter, Art. II, § (27); Public Local Law 16-7 (11), (12).

Next, the bill would add Subtitle 18 to Article 19 (Police Ordinances) of the City Code to prohibit anyone in the City from obtaining, retaining, accessing or using a face surveillance system. Finally, this bill, unlike its predecessor 20-0606, requires the Mayor and City Council to submit a report on the reason for its purchase of “surveillance technology” as that term is specifically defined in that Section.

There was a necessary amendment to the prior bill, 20-0606, which is now in the First Reader version of this bill. Therefore, the Law Department can approve this bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Nina Themelis
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