

---

**By: Delegate Dembrow**

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 1997

---

CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Crimes - Visual Surveillance - Private Residences**

3 FOR the purpose of prohibiting a person from placing or otherwise bringing, or procuring  
4 another to place or otherwise bring, a camera onto real property for purposes of  
5 conducting visual surveillance of persons inside a private residence on the property  
6 under certain circumstances; providing that ownership is not a defense under  
7 certain circumstances; providing a certain defense; providing certain penalties;  
8 providing for a civil cause of action; providing certain exceptions; providing that this  
9 Act does not abrogate or limit certain other remedies; providing for the application  
10 of this Act; defining certain terms; and generally relating to visual surveillance.

11 BY adding to

12 Article 27 - Crimes and Punishments  
13 Section 579D  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume)

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

18 **Article 27 - Crimes and Punishments**

19 579D.

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

22 (2) "CAMERA" INCLUDES ANY ELECTRONIC DEVICE THAT CAN BE USED  
23 TO SURREPTITIOUSLY OBSERVE A PERSON.

2

1 (3) "VISUAL SURVEILLANCE" MEANS DELIBERATE, SURREPTITIOUS  
2 OBSERVATION OF ANOTHER.

3 (B) THIS SECTION DOES NOT APPLY TO:

4 (1) AN ADULT RESIDENT OF A PRIVATE RESIDENCE;

5 (2) A PERSON WHO PLACES OR BRINGS, OR PROCURES ANOTHER TO  
6 PLACE OR BRING, A CAMERA ONTO REAL PROPERTY AND WHO DOES NOT HAVE  
7 THE INTENT OF CONDUCTING VISUAL SURVEILLANCE OF A PERSON INSIDE THE  
8 PRIVATE RESIDENCE;

9 (3) A PERSON WHO HAS THE CONSENT OF AN ADULT RESIDENT, OR THE  
10 RESIDENT'S LEGAL GUARDIAN, TO PLACE OR BRING A CAMERA ONTO REAL  
11 PROPERTY FOR PURPOSES OF CONDUCTING VISUAL SURVEILLANCE OF A PERSON  
12 INSIDE THE PRIVATE RESIDENCE;

13 (4) ANY OTHERWISE LAWFUL OBSERVATION WITH A CAMERA  
14 CONDUCTED BY A LAW ENFORCEMENT OFFICER WHILE IN PERFORMANCE OF THE  
15 OFFICER'S OFFICIAL DUTIES; OR

16 (5) FILMING BY OR FOR THE BROADCAST MEDIA USING A CAMERA  
17 THAT IS NOT SECRETED FROM VIEW.

18 (C) A PERSON MAY NOT PLACE OR OTHERWISE BRING, OR PROCURE  
19 ANOTHER TO PLACE OR OTHERWISE BRING, A CAMERA ONTO REAL PROPERTY ON  
20 WHICH IS LOCATED A PRIVATE RESIDENCE FOR PURPOSES OF CONDUCTING VISUAL  
21 SURVEILLANCE OF A PERSON INSIDE THE PRIVATE RESIDENCE.

22 (D) (1) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION  
23 THAT THE PERSON CHARGED IS THE OWNER OF THE PRIVATE RESIDENCE, IF THE  
24 OWNER IS NOT AN ADULT RESIDENT OF THE PRIVATE RESIDENCE.

25 (2) A GOOD FAITH RELIANCE ON A COURT ORDER IS A COMPLETE  
26 DEFENSE TO ANY CIVIL OR CRIMINAL ACTION BROUGHT UNDER THIS SECTION.

27 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
28 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR  
29 IMPRISONMENT FOR NOT MORE THAN 30 DAYS OR BOTH.

30 (F) A PERSON IN A PRIVATE RESIDENCE WHO WAS OBSERVED BY A CAMERA  
31 IN VIOLATION OF THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST ANY  
32 PERSON WHO PLACED OR OTHERWISE BROUGHT THE CAMERA, OR PROCURED  
33 ANOTHER TO PLACE OR OTHERWISE BRING THE CAMERA, ONTO THE REAL  
34 PROPERTY. IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY AWARD  
35 DAMAGES AND REASONABLE ATTORNEYS' FEES.

36 (G) THIS SECTION DOES NOT ABROGATE OR LIMIT ANY LEGAL OR  
37 EQUITABLE RIGHT OR REMEDY OTHERWISE AVAILABLE BY COMMON LAW OR  
38 STATUTE.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
40 construed only prospectively to offenses occurring and causes of action arising on or after

3

1 the effective date of this Act and may not be applied or interpreted to have any effect on  
2 or application to offenses occurring and causes of action arising before the effective date  
3 of this Act.

4           SECTION ~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 1997.