SENATE BILL 25

E1 SB 326/22 - JPR (PRE-FILED) CF 3lr0781 CF 3lr0780

By: Senator Lee

Requested: November 15, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

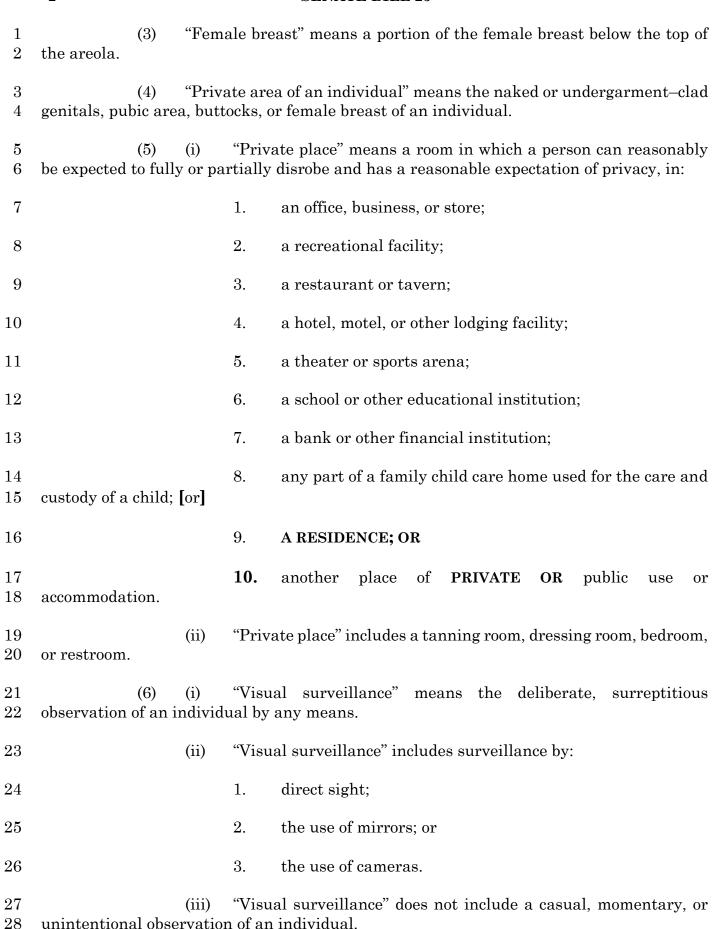
Criminal Law – Visual Surveillance With Prurient Intent – Private Place and Minor Victim

- FOR the purpose of prohibiting a person from conducting visual surveillance with prurient intent of an individual located in a residence or place of private use or accommodation without the consent of the individual; altering the penalties for the crime of visual surveillance with prurient intent by use of a camera if the victim was a minor at the time of the offense and the offender is at least a certain number of years older than the victim; and generally relating to the crime of visual surveillance with prurient intent.
- 11 BY repealing and reenacting, with amendments,
- 12 Article Criminal Law
- 13 Section 3–902
- 14 Annotated Code of Maryland
- 15 (2021 Replacement Volume and 2022 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 17 That the Laws of Maryland read as follows:
- 18 Article Criminal Law
- 19 3–902.
- 20 (a) (1) In this section the following words have the meanings indicated.
- 21 (2) "Camera" includes any electronic device that can be used 22 surreptitiously to observe an individual.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1 (b) This section does not apply to a person who without prurient intent: 2 (1) conducts filming by or for the print or broadcast media; 3 (2)conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or 4 5 (3)conducts visual surveillance and: 6 holds a license issued under Title 13 or Title 19 of the Business (i) Occupations and Professions Article; and 7 8 is acting within the scope of the person's occupation. (ii) 9 A person may not with prurient intent conduct or procure another to conduct 10 visual surveillance of: 11 (1) an individual in a private place without the consent of that individual; 12 or 13 the private area of an individual by use of a camera without the consent (2) of the individual under circumstances in which a reasonable person would believe that the 14 private area of the individual would not be visible to the public, regardless of whether the 15 16 individual is in a public or private place. 17 (d) **(1)** [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS 18 SUBSECTION, A person who violates this section is guilty of a misdemeanor and on 19 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 20 or both. 21 **(2)** A PERSON WHO VIOLATES THIS SECTION BY USE OF A CAMERA IS 22GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT 23NOT EXCEEDING 5 YEARS OR A FINE OF \$2,500 OR BOTH IF: 24**(I)** THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE; 25**AND** 26 (II)THE PERSON CONDUCTING THE VISUAL SURVEILLANCE IS 27 AT LEAST 4 YEARS OLDER THAN THE VICTIM. 28 An individual who was under visual surveillance in violation of this (e) (1) 29 section has a civil cause of action against any person who conducted or procured another to

conduct the visual surveillance.

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- 1 (2) In an action under this subsection, the court may award actual damages 2 and reasonable attorney's fees.
- 3 (f) This section does not affect any legal or equitable right or remedy otherwise 4 provided by law.
- 5 (g) This section does not affect the application of § 3–901 of this subtitle.
- 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7 October 1, 2023.