



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 348 – Criminal Law – Visual Surveillance with Prurient Intent – Private Place

Chair Smith, Vice Chair Waldstreicher, Members of JPR:

SB 348 would add “a residence” to the list of places in which a person has a reasonable expectation of privacy and in which someone cannot conduct visual surveillance with prurient intent. Vice Chair Waldstreicher sponsored a similar version of this bill last year, co-sponsored by Senator Folden.

Maryland law currently provides that a “person may not with prurient intent conduct or procure another to conduct visual surveillance of: (1) an individual in a private place without the consent of that individual.” The law defines private place as “a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy.” Then it lists 9 categories of places that are included in that definition, such as an office, business, or store, a restaurant, a theater, a school, or a bank. What that list does not include is a residence. Why it was not included, I do not know. Perhaps it was so obvious at the time of drafting that people didn’t think of it. Regardless of the reason, we are now faced with a gigantic loophole in the law that this bill seeks to close.

Last session witnesses testified to parents videoing their children in the bathroom for their own sexual gratification. This is not covered by our law. And beyond children, the Vice Chair used an example of a woman’s friend coming to visit. The husband places a video in the guest room so he can watch the friend disrobe for his own sexual gratification. Again, this is legal under our statute. None of this should be legal.

The bill would not cover Ring cameras outside the house or other cameras inside the house that were not used for visual surveillance with prurient intent. The security camera that may inadvertently catch teenagers making out on the couch would not be captured in this bill. Many offices, businesses, restaurants, and banks have cameras that are legal under this statute. And I am sure people engage in certain activities that are caught on those cameras! But it is that narrow language of surveillance *with prurient intent* that is key to ensuring we are only capturing the conduct we want to capture.

For the foregoing reasons, I ask for a favorable report on SB 348.