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January 28, 2025

The Honorable William Smith & Members of the Senate Judicial Proceedings Committee
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chairperson Smith and JPR Committee Members:

I am a prosecutor in Calvert County, in charge of the Child Abuse, Child Exploitation, and Sexual Assault cases. I have been a prosecutor for the past 21 years. During my career I have handled numerous cases involving the exploitation and sexual abuse of children. I write to you today in support of SB 348, which would amend the language of Criminal Law 3-902 to include private places in residences.

Currently, Criminal Law 3-902 penalizes those who conduct illegal visual surveillance with prurient intent in private places. Private places are defined as a room in which a person can be reasonably expected to fully or partially disrobe. It includes a dressing room, bedroom, and restroom.

The problem is, 3-902 only covers “private places” in places accessible to the public.¹ This statute does not penalize surveillance of another in a private area inside of a residence, unless the recording is of the “private area” (genitals) of an individual.

The law as it stands right now only applies to illegal surveillance of others in a private room in a public place. As egregious as that is, why wouldn't the same conduct be illegal if done in a private residence? Currently, the applicable statute for illegal surveillance in a *private* home is 3-901, which only has a maximum penalty of 30 days/\$1,000. The penalty for 3-902 is 1year/\$2,500.

Several years ago, I handled a case where a man was surreptitiously recording a 12-year-old girl while she was in the bathroom of her home. He hid his cell phone in the bathroom vent to record her as she undressed and showered. Thankfully, his phone fell in the vent, and he was unable to get any images of the child. The child's mom located the phone and discovered that it was recording. There were hours of videos located on his phone which showed his intent to record her as she undressed. Unfortunately, the applicable statute in this case was 3-901, with only a 30-day maximum penalty. The punishment did not fit the crime.

I strongly urge this Committee to issue a favorable report on SB 348 to close this gap in the law.

Sincerely,

Rebecca Cordero

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ⁱ (ie. Offices, stores, restaurants, theaters, schools, hotels, banks).