

# **Feinstein Letter of Support SB348 Visual Surveilla**

Uploaded by: Debbie Feinstein

Position: FAV



STATE'S ATTORNEY  
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DEPUTY STATE'S ATTORNEYS  
PETER A. FEENEY  
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January 28, 2025

The Honorable Will Smith  
Chair, Judicial Proceedings Committee  
11 Bladen Street  
Annapolis, MD 21401

Dear Chair Smith and Committee Members:

I write in support of SB348—Criminal Law—Visual Surveillance With Prurient Interest—Private Place. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and co-chair of the Maryland State's Attorney Association's Special Victims Legislative Subcommittee.

Section 3-902 of the Maryland Criminal Law Article prohibits individuals, without consent, from visually surveying another person in a private place. It also prohibits individuals, without consent, from visually surveying another person with a camera under circumstances where a reasonable person would believe the area would not be visible to the public. The statute, however, does not specifically delineate a private residence as a private place. The current definition of "private place" is:


"A room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, in: 1. an office, business, or store; 2. a recreational facility; 3. a restaurant or tavern; 4. a hotel, motel, or other lodging facility; 5. a theater or sports arena; 6. a school or other educational institution; 7. a bank or other financial institution; 8. any part of a family child care home used for the care and custody of a child; or 9. another place of public use or accommodation. 'Private place.' includes a tanning room, dressing room, bedroom, or restroom."

Several months ago, my office prosecuted a case involving this statute. The Defendant was charged with 23 counts of visual surveillance with prurient interest and 1 count of stalking. The Defendant, on multiple occasions, filmed the victim naked, while she was in the shower and on the toilet in the bathroom of the home they shared. The Defendant was the victim's housemate and partner of the victim's best friend.

Unfortunately, the Court narrowly construed the definition of "private place" enumerated in the statute. Because the law did not and does not specifically include a residence, the Court found the defendant not guilty of all 23 counts of visual surveillance with prurient interest.

Senate Bill 348 closes this loophole in the law by expanding the definition of "private place" to include "a residence" or another place of "private" or public use or accommodation. This definition is in keeping with the original intent of the law and will ensure that individuals who prey upon others through visual surveillance are rightly held accountable for their actions. I strongly urge this Committee to issue a favorable report.

Sincerely,

  
Debbie Feinstein  
Senior Assistant State's Attorney

# **visual surveillance w pru intent - senate - 2025 -**

Uploaded by: Lisae C Jordan

Position: FAV



**Working to end sexual violence in Maryland**

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For more information contact:  
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**Testimony Supporting Senate Bill 348**  
**Lisae C. Jordan, Executive Director & Counsel**  
January 30, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 348.

**Senate Bill 348 – Visual Surveillance with Prurient Intent – Minor Victim**

This bill clarifies that visual surveillance with prurient intent is a crime when it occurs in a private residence.

This bill is prompted by the very disturbing case involving Jonathan Newell, a judge on the Circuit Court for Caroline County. A 15 year old boy discovered a camera pointed towards the shower and reported this to his parents. Law enforcement were notified and Newell ate evidence in the course of the investigation; Newell died from a self inflicted gunshot before he could be brought to justice. [https://www.washingtonpost.com/local/public-safety/maryland-judge-kills-self-after-eating-evidence/2021/09/10/8834b9ba-125b-11ec-9cb6-bf9351a25799\\_story.html](https://www.washingtonpost.com/local/public-safety/maryland-judge-kills-self-after-eating-evidence/2021/09/10/8834b9ba-125b-11ec-9cb6-bf9351a25799_story.html)

Importantly, the Newell case highlighted a loophole in the statute: homes are not considered private places under this statute. Since that case highlighted the gap in the law, prosecutors in other jurisdictions have also faced barriers to prosecution. SB348 clarifies that the definition of "private place" includes private residences. We emphasize that prurient intent continues to be an element of this crime where ever it occurs.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 348**

# **SB 348 Cordero- Favorable report.pdf**

Uploaded by: Rebecca Cordero

Position: FAV

Circuit Court Division: 175 Main Street • Courthouse • Prince Frederick, MD 20678  
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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.<sup>1</sup> 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*

Rebecca Cordero  
Senior Assistant State's Attorney  
Calvert County State's Attorney's Office

Robert H. Harvey, Jr.  
State's Attorney



Timothy J. Maher  
Deputy State's Attorney

Circuit Court Division: 175 Main Street • Courthouse • Prince Frederick, MD 20678  
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<sup>i</sup> (ie. Offices, stores, restaurants, theaters, schools, hotels, banks).

# **SB 348 - Visual Surveillance with Prurient Intent**

Uploaded by: Sara Love

Position: FAV





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.

# **SB 348 - Visual Surveillance with Prurient Intent-**

Uploaded by: Scott Shellenberger

Position: FAV

**Bill Number: SB 348**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF SENATE BILL 348**  
**VISUAL SURVEILLANCE WITH PRURIENT INTENT- PRIVATE PLACE AND MINOR**  
**VICTIM**

I write in support of Senate Bill 348 which clarifies Criminal Law Article 3-902 Visual Surveillance with Prurient Intent – Private Place and Minor Victim. Why is it necessary to add to this statute the term “a residence; or another place of private or public use or accommodation”?

Because in 2018 in Bickford v State the Court of Special Appeals held that a father secretly recording his daughter in the family bathroom did not constitute a crime under this statute. Thankfully the father was convicted of other charges but what if video recording of a minor in a private home's bathroom was the only crime. We must fix this statute and the fix is easy.

Adding the additions as outlined in Senate Bill 348 merely clarifies the intent of Legislature when it passed this statute. The Legislature did not want anyone to be video recorded in a state of undress, unless consented to, Period! Anywhere. A person's home bathroom should not be excluded based upon the Court's interpretation of this statute. This is a simple fix in keeping with the intent of the statute.

The simple change fixes a decision of the courts that was not in keeping with the statute's intent.

I urge a favorable report.

**SB0348\_TarynQuaytman\_FAV.pdf**

Uploaded by: Taryn Quaytman

Position: FAV

**Testimony on SB0348 - Visual Surveillance with Prurient Intent - Private Place**  
**Position: FAVORABLE**

January 30, 2025

Taryn Quaytman  
443-632-5192  
tarynq@gmail.com

The Honorable William C. Smith & Members of the Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

Dear Chair Smith, Vice Chair Waldstreicher, & Members of the Judicial Proceedings Committee:

My name is Taryn Quaytman, and I am writing to express my sincere support of Senator Love's SB0348, Visual Surveillance with Prurient Intent - Private Place. I am a former Montgomery County Public School teacher, and I have been a Maryland resident for most of my life. I have spent the last 22 months healing from the predatory abuse I experienced and the last five months healing from a legal system that failed.

On March 24, 2023, I had been happily living for more than a year and a half with my best friend, Kimberly, and her partner of 10 years, James. But one day later, on March 25, I stood in the shower—naked, wet, and petrified—as the bathroom door opened, and the camera lenses of James's iPhone slid into view. Kimberly, engaged to James at the time, was asleep in their bedroom a few feet away.

I would soon learn this act did not occur in isolation. Kimberly discovered a note on James's phone, unveiling video after video of me naked in the shower and on the toilet. One video dated back to January of 2022, meaning James had recorded me—naked and without consent—for at least 15 months. His behavior was escalating: In March of 2023 alone, James filmed me in the bathroom on March 7, 9, 12, 13, 17, 19, 21, 24, and 25.

I took three cell phones, one micro webcam, and one personal computer James built himself to the police. Two of these devices were searched, yielding 29 videos and 65 images of me naked. I turned to the legal system, hopeful that although I was unable to protect myself, surely the law would. Seventeen months later, James was found not guilty on every count of visual surveillance. While he was convicted of a single count of stalking, the Court found James not criminally accountable for the 23 counts of visual surveillance with prurient intent. I learned that the Court must rule in favor of the defendant when there is ambiguity present within a law.

The ambiguity in this case? The law does not explicitly list a residential bathroom, presumably one of the most private places imaginable, as a private place. James's actions were intentional, premeditated, and predatory, and yet he wasn't held accountable due to a semantic technicality. This ruling set a precedent: *As the law currently stands, in the state of Maryland, recording someone naked in their own bathroom without consent does not violate the visual surveillance law.*

It is my distinct intention to do everything within my power to prevent another individual from ever undergoing the same indignity, only to be informed that a poorly written law is the reason justice will not be served. The law failed to protect me, and it will fail to protect future victims. But it doesn't have to. We have a beautiful opportunity to make a change and to do right by future victims - violated, afraid, and brave enough to ask for help.

SB0348 is fair. It clarifies that the given list of private places is non-exhaustive, and it eliminates ambiguity:  
The bathroom in your home is private.

I strongly urge this committee to issue a favorable report on SB0348 and to consider the tremendous impact that will come from such a simple change.

Thank you for your time and consideration.

Sincerely,  
Taryn Quaytman