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**By: Delegate Dembrow**

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Visual Surveillance**

3 FOR the purpose of broadening the application of provisions prohibiting the visual  
4 surveillance of a person in certain places; specifying certain damages and costs that  
5 a person under surveillance may recover; making it a felony to break and enter,  
6 enter under false pretenses, or trespass upon any premises, with the intent to place,  
7 adjust, or remove visual surveillance equipment without a court order; and generally  
8 relating to the prohibition of visual surveillance of persons.

9 BY repealing and reenacting, with amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 579C  
12 Annotated Code of Maryland  
13 (1992 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Courts and Judicial Proceedings  
16 Section 10-412  
17 Annotated Code of Maryland  
18 (1995 Replacement Volume and 1995 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 579C.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) (I) "Private place" means A PLACE WHERE A PERSON MAY  
25 REASONABLY EXPECT TO BE SAFE FROM AN INTRUSION OR SURVEILLANCE.

26 (II) "PRIVATE PLACE" INCLUDES [a dressing room or restroom in a  
27 retail store];

28 1. ANY AREA INSIDE A PRIVATE RESIDENCE THAT IS NOT  
29 VISIBLE TO A PERSON OUTSIDE THE PRIVATE RESIDENCE; AND

1                                2. A DRESSING ROOM OR REST ROOM IN AN OFFICE,  
2 BUSINESS, STORE, PUBLIC RECREATIONAL FACILITY, RESTAURANT, HOTEL, MOTION  
3 PICTURE HOUSE, SPORTS ARENA, OR OTHER PLACE OF PUBLIC USE OR  
4 ACCOMMODATION.

5                                (III) "PRIVATE PLACE" DOES NOT INCLUDE A COMMON AREA,  
6 PUBLIC AREA OTHER THAN A DRESSING ROOM OR REST ROOM, OR AN OUTDOOR  
7 AREA.

8                                (3) "Visual surveillance" means:

9                                (i) Direct sight surveillance;

10                                (ii) The use of mirrors;

11                                (iii) The use of cameras; or

12                                (iv) The use of other electronic devices that can be utilized to  
13 surreptitiously observe a person.

14                                (b) A person may not conduct or procure a person to conduct any visual  
15 surveillance of another person who is in a private place without the consent of the person  
16 in the private place.

17                                (c) It is not a defense to a prosecution under this section that the person charged  
18 is the owner of the premises of the private place.

19                                (d) Any person who violates the provisions of this section is guilty of a  
20 misdemeanor and, upon conviction, is subject to a fine not to exceed \$1,000 or  
21 imprisonment not to exceed 30 days, or both.

22                                (e) (1) Any person who was under surveillance in violation of this section has a  
23 civil cause of action against any person who conducted or procured a person to conduct  
24 the surveillance[. In such an action the court may award actual damages and reasonable  
25 attorneys' fees.] AND IS ENTITLED TO RECOVER FROM THE DEFENDANT:

26                                (I) ACTUAL DAMAGES BUT NOT LESS THAN LIQUIDATED  
27 DAMAGES COMPUTED AT THE RATE OF \$100 A DAY FOR EACH DAY OF VIOLATION  
28 OR \$1,000, WHICHEVER IS HIGHER;

29                                (II) PUNITIVE DAMAGES; AND

30                                (III) A REASONABLE ATTORNEY'S FEE AND OTHER LITIGATION  
31 COSTS REASONABLY INCURRED.

32                                (2) A GOOD FAITH RELIANCE ON A COURT ORDER OR LEGISLATIVE  
33 AUTHORIZATION IS A COMPLETE DEFENSE TO ANY CIVIL OR CRIMINAL ACTION  
34 BROUGHT UNDER THIS SECTION.

35                                (f) This section does not apply to any otherwise lawful surveillance conducted by  
36 any law enforcement officer while in performance of his official duties.

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1       **Article - Courts and Judicial Proceedings**

2 10-412.

3       Any person who breaks and enters, enters under false pretenses, or trespasses, upon  
4 any premises with the intent to place, adjust or remove wiretapping [or], electronic  
5 surveillance [or], eavesdropping, OR VISUAL SURVEILLANCE equipment without a  
6 court order is guilty of a felony and upon conviction may be imprisoned for not more than  
7 ten years.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 1996.