
By: Delegate Dembrow

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 1996

CHAPTER ____

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~~ allowing certain damages to be awarded;
6 making it a felony to break and enter, enter under false pretenses, or trespass upon
7 any premises, with the intent to place, adjust, or remove visual surveillance
8 equipment without a court order; altering certain definitions; and generally relating
9 to the prohibition of visual surveillance of persons.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 579C
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 10-412
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1995 Supplement)

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

2

1 **Article 27 - Crimes and Punishments**

2 579C.

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

4 (2) ~~(1)~~ "Private place" means ~~A PLACE WHERE A PERSON MAY~~
5 ~~REASONABLY EXPECT TO BE SAFE FROM AN INTRUSION OR SURVEILLANCE.~~

6 ~~(II) "PRIVATE PLACE" INCLUDES [a dressing room or restroom in a~~
7 ~~retail store];~~

8 ~~1. ANY AREA INSIDE A PRIVATE RESIDENCE THAT IS NOT~~
9 ~~VISIBLE TO A PERSON OUTSIDE THE PRIVATE RESIDENCE; AND~~

10 ~~2. A DRESSING ROOM OR REST ROOM IN AN OFFICE,~~
11 ~~BUSINESS, STORE, PUBLIC RECREATIONAL FACILITY, RESTAURANT, HOTEL, MOTION~~
12 ~~PICTURE HOUSE, SPORTS ARENA, OR OTHER PLACE OF PUBLIC USE OR~~
13 ~~ACCOMMODATION.~~

14 ~~(III) "PRIVATE PLACE" DOES NOT INCLUDE A COMMON AREA,~~
15 ~~PUBLIC AREA OTHER THAN A DRESSING ROOM OR REST ROOM, OR AN OUTDOOR~~
16 ~~AREA;~~

17 (I) ANY AREA INSIDE A PRIVATE RESIDENCE; OR

18 (II) A DRESSING ROOM, BEDROOM, OR REST ROOM IN:

19 1. AN OFFICE, BUSINESS, OR STORE;

20 2. A RECREATIONAL FACILITY;

21 3. A RESTAURANT OR TAVERN;

22 4. A HOTEL, MOTEL, OR OTHER LODGING FACILITY;

23 5. A THEATER OR SPORTS ARENA; OR

24 6. ANOTHER PLACE OF PUBLIC USE OR ACCOMMODATION.

25 (3) (I) "Visual surveillance" means DELIBERATE, SURREPTITIOUS
26 OBSERVATION OF ANOTHER BY ANY MEANS INCLUDING:

27 ~~(i)~~ 1. Direct sight surveillance;

28 ~~(ii)~~ 2. The use of mirrors;

29 ~~(iii)~~ 3. The use of cameras; or

30 ~~(iv)~~ 4. The use of other electronic devices that can be utilized to
31 surreptitiously observe a person.

32 (II) "VISUAL SURVEILLANCE" DOES NOT INCLUDE A CASUAL,
33 MOMENTARY, OR UNINTENTIONAL OBSERVATION OF ANOTHER.

3

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

4 (c) ~~(1)~~ It is not a defense to a prosecution under this section that the person
5 charged is the owner of the premises of the private place.

6 (2) A GOOD FAITH RELIANCE ON A COURT ORDER IS A COMPLETE
7 DEFENSE TO ANY CIVIL OR CRIMINAL ACTION BROUGHT UNDER THIS SECTION.

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

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

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

18 ~~(II) PUNITIVE DAMAGES; AND~~

19 ~~(III) A REASONABLE ATTORNEY'S FEE AND OTHER LITIGATION~~
20 ~~COSTS REASONABLY INCURRED.~~

21 ~~(2) A GOOD FAITH RELIANCE ON A COURT ORDER OR LEGISLATIVE~~
22 ~~AUTHORIZATION IS A COMPLETE DEFENSE TO ANY CIVIL OR CRIMINAL ACTION~~
23 ~~BROUGHT UNDER THIS SECTION.~~

24 (f) This section does not apply to ~~any~~:

25 (1) ANY otherwise lawful surveillance conducted by any law enforcement
26 officer while in performance of his official duties; OR

27 (2) VISUAL SURVEILLANCE, BY OR WITH THE CONSENT OF ANY
28 RESIDENT OF A PRIVATE RESIDENCE.

29 **Article - Courts and Judicial Proceedings**

30 10-412.

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

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

