

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 273 (Delegate Dembrow)
Judiciary

Referred to Judicial Proceedings

Crimes - Visual Surveillance

This amended bill expands the application of current law prohibiting the visual surveillance of a person in “private places.” Any areas inside a private residence or a dressing room, bedroom or rest room in a place of public use or accommodation are considered “private places.” Violators are guilty of a misdemeanor and subject to applicable penalty provisions (a fine up to \$1,000 and/or imprisonment up to 30 days). The bill also provides that a good faith reliance on a court ordered surveillance is a complete defense to any civil or criminal action brought under this provision.

The bill clarifies that it is a felony to break and enter, enter under false pretenses, or trespass on any premises with the intent to place, adjust, or remove visual surveillance equipment without a court order.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to applicable penalty provisions. No effect on expenditures, as discussed below.

Local Effect: Potential minimal increase in expenditures due to applicable penalty provisions. No effect on revenues.

Fiscal Analysis

State Revenues: By broadening the scope of “private places,” it is possible that more people will be prosecuted for visually surveying another in a “private place” without permission. Generally, violators are fined (as opposed to incarcerated) for this offense. Assuming a continuation of current sentencing patterns, general fund revenues could increase under the applicable monetary misdemeanor penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: It is assumed that the provision making the placement, adjustment, or removal of visual surveillance equipment a felony encompasses electronic surveillance or eavesdropping equipment provided for in current law. Since it is viewed as clarifying the same crime as opposed to creating a new crime, incarceration expenditures should not be affected.

Local Expenditures: Expenditures could increase as a result of the applicable misdemeanor incarceration penalty, depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997. Any increase in expenditures, however, cannot be reliably estimated at this time, but is assumed to be minimal.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

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