
By: Delegate Dembrow

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Visual Surveillance - Private Residences**

3 FOR the purpose of prohibiting a person from placing or otherwise bringing, or procuring
4 another to place or otherwise bring, a camera onto real property for purposes of
5 conducting visual surveillance of persons inside a private residence on the property
6 under certain circumstances; providing that ownership is not a defense under
7 certain circumstances; providing a certain defense; providing certain penalties;
8 providing for a civil cause of action; providing certain exceptions; defining certain
9 terms; and generally relating to visual surveillance.

10 BY adding to

11 Article 27 - Crimes and Punishments
12 Section 579D
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

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

17 **Article 27 - Crimes and Punishments**

18 579D.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) "CAMERA" INCLUDES ANY ELECTRONIC DEVICE THAT CAN BE USED
22 TO SURREPTITIOUSLY OBSERVE A PERSON.

23 (3) "VISUAL SURVEILLANCE" MEANS DELIBERATE, SURREPTITIOUS
24 OBSERVATION OF ANOTHER.

25 (B) THIS SECTION DOES NOT APPLY TO:

26 (1) AN ADULT RESIDENT OF A PRIVATE RESIDENCE;

27 (2) A PERSON WHO PLACES OR BRINGS, OR PROCURES ANOTHER TO
28 PLACE OR BRING, A CAMERA ONTO REAL PROPERTY AND WHO DOES NOT HAVE

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1 THE INTENT OF CONDUCTING VISUAL SURVEILLANCE OF A PERSON INSIDE THE
2 PRIVATE RESIDENCE;

3 (3) A PERSON WHO HAS THE CONSENT OF AN ADULT RESIDENT, OR THE
4 RESIDENT'S LEGAL GUARDIAN, TO PLACE OR BRING A CAMERA ONTO REAL
5 PROPERTY FOR PURPOSES OF CONDUCTING VISUAL SURVEILLANCE OF A PERSON
6 INSIDE THE PRIVATE RESIDENCE;

7 (4) ANY OTHERWISE LAWFUL OBSERVATION WITH A CAMERA
8 CONDUCTED BY A LAW ENFORCEMENT OFFICER WHILE IN PERFORMANCE OF THE
9 OFFICER'S OFFICIAL DUTIES; OR

10 (5) FILMING BY OR FOR THE BROADCAST MEDIA USING A CAMERA
11 THAT IS NOT SECRETED FROM VIEW.

12 (C) A PERSON MAY NOT PLACE OR OTHERWISE BRING, OR PROCURE
13 ANOTHER TO PLACE OR OTHERWISE BRING, A CAMERA ONTO REAL PROPERTY ON
14 WHICH IS LOCATED A PRIVATE RESIDENCE FOR PURPOSES OF CONDUCTING VISUAL
15 SURVEILLANCE OF A PERSON INSIDE THE PRIVATE RESIDENCE.

16 (D) (1) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION
17 THAT THE PERSON CHARGED IS THE OWNER OF THE PRIVATE RESIDENCE, IF THE
18 OWNER IS NOT AN ADULT RESIDENT OF THE PRIVATE RESIDENCE.

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

21 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
22 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
23 IMPRISONMENT FOR NOT MORE THAN 30 DAYS OR BOTH.

24 (F) A PERSON IN A PRIVATE RESIDENCE WHO WAS OBSERVED BY A CAMERA
25 IN VIOLATION OF THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST ANY
26 PERSON WHO PLACED OR OTHERWISE BROUGHT THE CAMERA, OR PROCURED
27 ANOTHER TO PLACE OR OTHERWISE BRING THE CAMERA, ONTO THE REAL
28 PROPERTY. IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY AWARD
29 DAMAGES AND REASONABLE ATTORNEYS' FEES.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1997.