
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**

3 FOR the purpose of prohibiting certain persons from conducting or procuring another to
4 conduct visual surveillance with a certain intent in public places; providing certain
5 penalties; providing for a civil cause of action; defining certain terms; providing for
6 the construction of this Act; providing for the application of this Act; and generally
7 relating to visual surveillance in private places and private residences.

8 BY adding to

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

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

15 **Article 27 - Crimes and Punishments**

16 579D.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

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

21 (3) "PRIVATE PLACE" MEANS A DRESSING ROOM, BEDROOM, OR REST
22 ROOM IN:

23 (I) AN OFFICE, BUSINESS, OR STORE;

24 (II) A RECREATIONAL FACILITY;

25 (III) A RESTAURANT OR TAVERN;

26 (IV) A HOTEL, MOTEL, OR OTHER LODGING FACILITY;

27 (V) A THEATER OR SPORTS ARENA; OR

2

1 (VI) ANOTHER PLACE OF PUBLIC USE OR ACCOMMODATION.

2 (4) (I) "VISUAL SURVEILLANCE" MEANS DELIBERATE,
3 SURREPTITIOUS OBSERVATION OF ANOTHER BY ANY MEANS.

4 (II) "VISUAL SURVEILLANCE" INCLUDES:

5 1. DIRECT SIGHT SURVEILLANCE;

6 2. THE USE OF MIRRORS; AND

7 3. THE USE OF CAMERAS.

8 (III) "VISUAL SURVEILLANCE" DOES NOT INCLUDE A CASUAL,
9 MOMENTARY, OR UNINTENTIONAL OBSERVATION OF ANOTHER.

10 (B) THIS SECTION MAY NOT BE CONSTRUED TO ABROGATE OR AFFECT IN
11 ANY WAY THE APPLICATION OF § 579C OF THIS SUBHEADING.

12 (C) A PERSON MAY NOT WITH PRURIENT INTENT CONDUCT OR PROCURE A
13 PERSON TO CONDUCT ANY VISUAL SURVEILLANCE OF ANOTHER PERSON WHO IS IN
14 A PRIVATE PLACE WITHOUT THE CONSENT OF THE PERSON IN THE PRIVATE PLACE.

15 (D) THIS SECTION DOES NOT APPLY TO A PERSON WHO WITHOUT PRURIENT
16 INTENT:

17 (1) CONDUCTS FILMING BY OR FOR THE BROADCAST MEDIA USING A
18 CAMERA THAT IS NOT SECRETED FROM VIEW;

19 (2) CONDUCTS OR PROCURES A PERSON TO CONDUCT VISUAL
20 SURVEILLANCE OF ANOTHER PERSON FOR PURPOSES OF PROTECTION OF
21 PROPERTY, PUBLIC SAFETY, OR CRIME PREVENTION; OR

22 (3) CONDUCTS VISUAL SURVEILLANCE AND WHO IS LICENSED UNDER
23 TITLE 13 OR TITLE 19 OF THE BUSINESS OCCUPATIONS ARTICLE.

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

27 (F) A PERSON WHO WAS SUBJECT TO VISUAL SURVEILLANCE IN VIOLATION
28 OF THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST ANY PERSON WHO
29 CONDUCTED OR PROCURED ANOTHER TO CONDUCT THE VISUAL SURVEILLANCE.
30 IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY AWARD ACTUAL
31 DAMAGES AND REASONABLE ATTORNEYS' FEES.

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