
By: Delegate Dembrow

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 1997

CHAPTER ____

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~~ certain private places;
5 providing certain penalties; providing for a civil cause of action; defining certain
6 terms; providing for the construction of this Act; providing that this Act does not
7 abrogate or limit certain other remedies; providing for the application of this Act;
8 and generally relating to visual surveillance in private places and private residences.

9 BY adding to

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

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

16 **Article 27 - Crimes and Punishments**

17 579D.

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

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

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

2

- 1 (I) AN OFFICE, BUSINESS, OR STORE;
- 2 (II) A RECREATIONAL FACILITY;
- 3 (III) A RESTAURANT OR TAVERN;
- 4 (IV) A HOTEL, MOTEL, OR OTHER LODGING FACILITY;
- 5 (V) A THEATER OR SPORTS ARENA; OR
- 6 (VI) ANOTHER PLACE OF PUBLIC USE OR ACCOMMODATION.

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

9 (II) "VISUAL SURVEILLANCE" INCLUDES:

- 10 1. DIRECT SIGHT SURVEILLANCE;
- 11 2. THE USE OF MIRRORS; AND
- 12 3. THE USE OF CAMERAS.

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

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

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

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

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

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

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

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

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

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1 (G) THIS SECTION DOES NOT ABROGATE OR LIMIT ANY LEGAL OR
2 EQUITABLE RIGHT OR REMEDY OTHERWISE AVAILABLE BY COMMON LAW OR
3 STATUTE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed only prospectively to offenses occurring and causes of action arising on or after
6 the effective date of this Act and may not be applied or interpreted to have any effect on
7 or application to offenses occurring and causes of action arising before the effective date
8 of this Act.

9 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1997.