

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE  
Revised

House Bill 779 (Delegate Dembrow)  
Judiciary

Referred to Judicial Proceedings

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**Crimes - Visual Surveillance - Private Residences**

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This amended bill prohibits a person from placing or otherwise bringing a camera onto real property for purposes of conducting “visual surveillance” of persons inside a private residence. Violators are guilty of a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment up to 30 days. Specified individuals are exempted from the bill’s provisions.

The bill also provides that ownership of the private residence is not a defense to any civil action brought under this provision if the owner is not an adult resident or the resident’s legal guardian. Good faith reliance on a court order is a complete defense to any civil or criminal action brought under this provision. Further, a victim who was observed by a camera in violation of this bill has a civil cause of action against any person who placed or otherwise brought a camera onto the real property. A court may award the victim damages and reasonable attorneys’ fees. The bill does not limit any legal or equitable rights or remedies otherwise available by common law or statute. The bill applies prospectively only.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures as a result of the bill’s penalty provisions.

**Local Effect:** Potential minimal increase in expenditures as a result of the bill’s penalty provisions. No effect on revenues.

**Small Business Effect:** None. The bill would not directly affect small businesses.

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## Fiscal Analysis

**State Revenues:** Generally, offenders conducting unsolicited visual surveillance are fined (as opposed to incarcerated). Assuming a continuation of current sentencing patterns, general fund revenues could increase as a result of the bill's monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

**State Expenditures:** General fund expenditures could increase as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. It is assumed that most violators would be fined (as opposed to incarcerated), therefore, any increase in general fund expenditures is assumed to be minimal.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1998 are estimated to range from \$12 to \$48 per inmate, depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a Division of Correction (DOC) facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 is estimated at \$43 per inmate.

**Local Expenditures:** Expenditures could increase as a result of the bill's 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 \$23 to \$83 per inmate in fiscal 1998.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Baltimore City Detention Center), Department of Fiscal Services

**Fiscal Note History:** First Reader - February 21, 1997  
nrd Revised - House Third Reader - March 27, 1997

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