

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 170 (Delegate Dembrow)
Judiciary

Crimes - Use of Cameras and Visual Surveillance

This amended bill prohibits a person from placing a camera on real property or places of public use or accommodation for purposes of conducting deliberate surreptitious observation 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.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues as a result of the bill's penalty provisions. General fund expenditures would not be affected.

Local Effect: Potential minimal increase in expenditures as a result of the bill's penalty provisions. Revenues would not be affected.

Small Business Effect: None.

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.

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 1999.

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

Fiscal Note History: First Reader - January 28, 1998
lc Revised - House Third Reader - March 19, 1998

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