

SENATE BILL 689

Unofficial Copy
E1
HB 170/98 - JUD

1999 Regular Session
9r1308
CF HB 95

By: **Senator Forehand**

Introduced and read first time: February 18, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Use of Cameras and Visual Surveillance**

3 FOR the purpose of prohibiting a person from placing or procuring another to place a
4 camera on real property for purposes of conducting deliberate surreptitious
5 observation of persons inside a private residence on the property under certain
6 circumstances; prohibiting certain persons from conducting or procuring
7 another to conduct visual surveillance with a certain intent in certain private
8 places; providing that ownership is not a defense under certain circumstances;
9 providing a certain defense; providing certain penalties; providing for a civil
10 cause of action; providing certain exceptions; providing that this Act does not
11 abrogate or limit certain other remedies; providing for the application of this
12 Act; defining certain terms; and generally relating to use of cameras and visual
13 surveillance.

14 BY renumbering

15 Article 27 - Crimes and Punishments
16 Section 579C, respectively
17 to be Section 579, respectively
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1998 Supplement)

20 BY adding to

21 Article 27 - Crimes and Punishments
22 Section 579A and 579B
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1998 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That Section(s) 579C of Article 27 - Crimes and Punishments of the
27 Annotated Code of Maryland be renumbered to be Section(s) 579.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

1

Article 27 - Crimes and Punishments

2 579A.

3 (A) IN THIS SECTION, "CAMERA" INCLUDES ANY ELECTRONIC DEVICE THAT
4 CAN BE USED TO OBSERVE SURREPTITIOUSLY A PERSON.

5 (B) THIS SECTION DOES NOT APPLY TO:

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

7 (2) A PERSON WHO PLACES OR PROCURES ANOTHER TO PLACE A
8 CAMERA ON REAL PROPERTY AND WHO DOES NOT HAVE THE INTENT OF
9 CONDUCTING DELIBERATE SURREPTITIOUS OBSERVATION OF A PERSON INSIDE THE
10 PRIVATE RESIDENCE;

11 (3) A PERSON WHO HAS THE CONSENT OF AN ADULT RESIDENT, OR THE
12 RESIDENT'S LEGAL GUARDIAN, TO PLACE A CAMERA ON REAL PROPERTY FOR
13 PURPOSES OF CONDUCTING DELIBERATE SURREPTITIOUS OBSERVATION OF A
14 PERSON INSIDE THE PRIVATE RESIDENCE;

15 (4) ANY OTHERWISE LAWFUL OBSERVATION WITH A CAMERA
16 CONDUCTED BY A LAW ENFORCEMENT OFFICER WHILE IN PERFORMANCE OF THE
17 OFFICER'S OFFICIAL DUTIES;

18 (5) FILMING BY OR FOR THE PRINT OR BROADCAST MEDIA USING A
19 CAMERA THAT IS NOT SECRETED FROM VIEW;

20 (6) ANY PORTION OF A PRIVATE RESIDENCE USED FOR BUSINESS
21 PURPOSES, INCLUDING ANY PORTION OF A DAY CARE HOME USED FOR THE CARE
22 AND CUSTODY OF A CHILD; OR

23 (7) FILMING OF A PRIVATE RESIDENCE BY USING A CAMERA THAT IS
24 NOT LOCATED ON THE REAL PROPERTY ON WHICH THE PRIVATE RESIDENCE IS
25 LOCATED.

26 (C) A PERSON MAY NOT PLACE OR PROCURE ANOTHER TO PLACE A CAMERA
27 ON REAL PROPERTY ON WHICH IS LOCATED A PRIVATE RESIDENCE FOR PURPOSES
28 OF CONDUCTING DELIBERATE SURREPTITIOUS OBSERVATION OF A PERSON INSIDE
29 THE PRIVATE RESIDENCE.

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

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

1 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
2 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
3 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH.

4 (F) A PERSON IN A PRIVATE RESIDENCE WHO WAS OBSERVED BY A CAMERA
5 IN VIOLATION OF THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST ANY
6 PERSON WHO PLACED THE CAMERA OR PROCURED ANOTHER TO PLACE THE CAMERA
7 ON THE REAL PROPERTY. IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY
8 AWARD DAMAGES AND REASONABLE ATTORNEYS' FEES.

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

11 579B.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

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

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

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

19 (II) A RECREATIONAL FACILITY;

20 (III) A RESTAURANT OR TAVERN;

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

22 (V) A THEATER OR SPORTS ARENA;

23 (VI) A SCHOOL OR OTHER EDUCATIONAL INSTITUTION;

24 (VII) A BANK OR OTHER FINANCIAL INSTITUTION;

25 (VIII) ANY PORTION OF A DAY CARE HOME USED FOR THE CARE AND
26 CUSTODY OF A CHILD; OR

27 (IX) ANOTHER PLACE OF PUBLIC USE OR ACCOMMODATION.

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

30 (II) "VISUAL SURVEILLANCE" INCLUDES:

31 1. DIRECT SIGHT SURVEILLANCE;

32 2. THE USE OF MIRRORS; AND

