

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 95 (Delegate Dembrow)

Judiciary

Crimes - Use of Cameras and Visual Surveillance

This 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 six months. 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 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. 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 minimally as a result of the bill's monetary penalty provision for those cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead is \$275 per month.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating cost of local detention facilities are expected to range from \$15 to \$80 per inmate in fiscal 2000.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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