
By: **Delegates Healey, Boutin, Frush, Hubbard, and Mohorovic**

Introduced and read first time: February 4, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Facilities or Schools for Individuals with Mental Disorders - Video**
3 **Surveillance**

4 FOR the purpose of requiring certain facilities that provide treatment of residents or
5 instruction of students with mental disorders to use video surveillance cameras
6 to monitor the activities of certain individuals and the staff of the facility;
7 requiring the Department of Health and Mental Hygiene to adopt certain
8 regulations limiting the purpose and use of and access to the videotapes created
9 from the video monitoring; requiring a facility to inform certain individuals and
10 require certain permission before a certain individual may be admitted to the
11 facility; providing that videotapes created through video monitoring under this
12 Act are admissible in certain courts; requiring the Secretary to adopt certain
13 regulations; and generally relating to the video surveillance of certain facilities
14 for individuals with mental disorders.

15 BY repealing and reenacting, without amendments,
16 Article - Health - General
17 Section 10-101(a), (e), (f), and (i)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)

20 BY adding to
21 Article - Health - General
22 Section 10-715
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2001 Supplement)

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

1 **Article - Health - General**

2 10-101.

3 (a) In this title the following words have the meanings indicated.

4 (e) (1) Except as otherwise provided in this title, "facility" means any public
5 or private clinic, hospital, or other institution that provides or purports to provide
6 treatment or other services for individuals who have mental disorders.

7 (2) "Facility" does not include a Veterans' Administration hospital.

8 (f) (1) "Mental disorder" means a behavioral or emotional illness that
9 results from a psychiatric or neurological disorder.10 (2) "Mental disorder" includes a mental illness that so substantially
11 impairs the mental or emotional functioning of an individual as to make care or
12 treatment necessary or advisable for the welfare of the individual or for the safety of
13 the person or property of another.

14 (3) "Mental disorder" does not include mental retardation.

15 (i) "Treatment" means any professional care or attention that is given in a
16 facility, private therapeutic group home for children and adolescents, or Veterans'
17 Administration hospital to improve or to prevent the worsening of a mental disorder.
18 10-715.19 (A) IN THIS SECTION, "FACILITY" INCLUDES A SCHOOL THAT ONLY PROVIDES
20 EDUCATIONAL SERVICES TO INDIVIDUALS WHO HAVE MENTAL DISORDERS.21 (B) A FACILITY THAT PROVIDES TREATMENT OF RESIDENTS OR THE
22 INSTRUCTION OF STUDENTS OF THE FACILITY SHALL USE VIDEO SURVEILLANCE
23 CAMERAS TO MONITOR THE ACTIVITIES OF THE RESIDENTS, STUDENTS, AND THE
24 STAFF OF THE FACILITY.25 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS, CONSISTENT WITH THE
26 PURPOSE OF ENHANCING THE SAFETY AND WELL-BEING OF THE RESIDENTS,
27 STUDENTS, AND THE STAFF, TO REQUIRE A FACILITY TO:28 (1) LIMIT THE PURPOSE AND USE OF VIDEOTAPES PRODUCED THROUGH
29 VIDEO SURVEILLANCE UNDER THIS SECTION; AND

30 (2) LIMIT ACCESS BY INDIVIDUALS TO THE VIDEOTAPES.

31 (D) (1) BEFORE ADMISSION OF A RESIDENT OR STUDENT TO A FACILITY,
32 THE FACILITY SHALL INFORM THE RESIDENT OR STUDENT AND, IF THE RESIDENT
33 OR STUDENT IS A MINOR, THE MINOR'S PARENT OR GUARDIAN, ABOUT THE VIDEO
34 MONITORING.

1 (2) THE RESIDENT, STUDENT, OR THE MINOR'S PARENT OR GUARDIAN
2 SHALL SIGN A PERMISSION FORM FOR VIDEO MONITORING BEFORE THE RESIDENT
3 OR STUDENT MAY BE ADMITTED TO THE FACILITY.

4 (D) SUBJECT TO THE MARYLAND RULES OF EVIDENCE, A VIDEOTAPE
5 PRODUCED THROUGH THE USE OF VIDEO SURVEILLANCE UNDER THIS SECTION IS
6 ADMISSIBLE IN EITHER A CIVIL OR CRIMINAL ACTION BROUGHT IN A MARYLAND
7 COURT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2002.