

HOUSE BILL 544

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E1

2003 Regular Session
(3r1589)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates McComas, Amedori, Bates, Boutin, Carter, Cryor,
Glassman, Impallaria, Lee, Menes, O'Donnell, Quinter, Stocksdale, V.
Turner, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Visual Surveillance - ~~Tanning Room~~ Private Place**

3 FOR the purpose of expanding ~~to a certain kind of room~~ the definition of "private
4 place", for purposes of the prohibition against visually observing, with prurient
5 interest, an individual without the consent of that individual, to include a room
6 where a person has a reasonable ~~expectation~~ *expectation* of privacy for a certain
7 purpose; exempting from the prohibition against visual surveillance a person
8 who, without prurient intent, conducts otherwise lawful visual surveillance in a
9 health care setting *under certain circumstances*; and generally relating to visual
10 surveillance of an individual in a private place without the consent of that
11 individual.

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 3-902

1 Annotated Code of Maryland
2 (2002 Volume)

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

5 **Article - Criminal Law**

6 3-902.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "Camera" includes any electronic device that can be used
9 surreptitiously to observe an individual.

10 (3) (I) "Private place" means a ~~TANNING ROOM, dressing room,~~
11 ~~bedroom, or rest room~~ ROOM, WHERE A PERSON HAS A REASONABLE EXPECTATION
12 OF PRIVACY WHILE PARTIALLY OR FULLY DISROBED IN WHICH A PERSON CAN
13 REASONABLE BE EXPECTED TO FULLY OR PARTIALLY DISROBE AND HAS A
14 REASONABLE EXPECTATION OF PRIVACY, in:

- 15 (i) 1. an office, business, or store;
- 16 (ii) 2. a recreational facility;
- 17 (iii) 3. a restaurant or tavern;
- 18 (iv) 4. a hotel, motel, or other lodging facility;
- 19 (v) 5. a theater or sports arena;
- 20 (vi) 6. a school or other educational institution;
- 21 (vii) 7. a bank or other financial institution;
- 22 (viii) 8. any part of a day care home used for the care and custody
23 of a child; or
- 24 (ix) 9. another place of public use or accommodation.

25 (II) "PRIVATE PLACE" INCLUDES A TANNING ROOM, DRESSING
26 ROOM, BEDROOM, OR RESTROOM.

27 (4) (i) "Visual surveillance" means the deliberate, surreptitious
28 observation of an individual by any means.

29 (ii) "Visual surveillance" includes surveillance by:

- 30 1. direct sight;
- 31 2. the use of mirrors; or

