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Section 3-902

2003 Regular Session (3lr1589)

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

	Turker, and Weldon		
	Read and Examined by Proofreaders:		
		Proofreader.	
	with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.	Proofreade	
		Speaker.	
	CHAPTER		
1 A	N ACT concerning		
2	Crimes - Visual Surveillance - Tanning Room <u>Private Place</u>		
3 FO 4 5 6 7 8 9 10 11	OR the purpose of expanding to a certain kind of room the definition of "private place", for purposes of the prohibition against visually observing, with prurient interest, an individual without the consent of that individual, to include a room where a person has a reasonable expectation of privacy for a certain purpose; exempting from the prohibition against visual surveillance a person who, without prurient intent, conducts otherwise lawful visual surveillance in a health care setting under certain circumstances; and generally relating to visual surveillance of an individual in a private place without the consent of that individual.		
	SY repealing and reenacting, with amendments, Article - Criminal Law		

1 2	Annotated Co (2002 Volum		and						
3	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:								
5	Article - Criminal Law								
6	3-902.								
7	(a) (1)	In this	section t	he following words have the meanings indicated.					
8 9	(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.								
12 13	OF PRIVACY W	HILE PAR E EXPECTI	I , WHE FIALLY ED TO F	te place" means a TANNING ROOM, dressing room, RE A PERSON HAS A REASONABLE EXPECTATION OR FULLY DISROBED IN WHICH A PERSON CAN FULLY OR PARTIALLY DISROBE AND HAS A PRIVACY, in:					
15		(i)	<u>1.</u>	an office, business, or store;					
16		(ii)	<u>2.</u>	a recreational facility;					
17		(iii)	<u>3.</u>	a restaurant or tavern;					
18		(iv)	<u>4.</u>	a hotel, motel, or other lodging facility;					
19		(v)	<u>5.</u>	a theater or sports arena;					
20		(vi)	<u>6.</u>	a school or other educational institution;					
21		(vii)	<u>7.</u>	a bank or other financial institution;					
22 23	of a child; or	(viii)	<u>8.</u>	any part of a day care home used for the care and custody					
24		(ix)	<u>9.</u>	another place of public use or accommodation.					
25 26	ROOM, BEDRO	(<u>II)</u> OM, OR RE		ATE PLACE" INCLUDES A TANNING ROOM, DRESSING DM.					
27 28	(4) observation of an	(i) individual b		al surveillance" means the deliberate, surreptitious neans.					
29		(ii)	"Visua	al surveillance" includes surveillance by:					
30			1.	direct sight;					
31			2.	the use of mirrors; or					

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1				3.	the use of ca	meras.			
2 3	unintentional	l observa	(iii) tion of an			does not in	nclude a casu	ial, momentary, or	
4	(b)	This sec	ction does	not appl	y to a person	who witho	ut prurient in	ntent:	
5		(1)	conducts	s filming	by or for the	print or bro	oadcast medi	a;	
6 7	(2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; \underline{OR} or								
8		(3)	conducts	s visual s	urveillance a	nd:			
9 10	Occupations	and Pro	(i) fessions A			l under Titl	e 13 or Title	19 of the Business	8
11			(ii)	is acting	g within the so	cope of the	person's occi	upation , OR	
12 13	HEALTH C	(4) ARE SE		ICTS OT	HERWISE I	<u>AWFUL V</u>	/ISUAL SUI	RVEILLANCE IN	<u>A</u>
	(c) A person may not with prurient intent conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual.								
	(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.								
	(e) section has a another to co		use of act	ion again	ist any persor			iolation of this cured	
23 24	damages and	(2) d reasona			er this subsect	ion, the cou	urt may awar	d actual	
25 26	(f) otherwise pr			not affec	ct any legal o	r equitable	right or reme	edy	
27	(g)	This sec	ction does	not affec	ct the applica	tion of § 3-	901 of this s	ubtitle.	
28 29	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 9 October 1, 2003.								