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2003 Regular Session 3lr1430 CF 3lr2322

By: Delegates Quinter, Bates, Bobo, DeBoy, Malone, McComas, Pendergrass, and F. Turner
Introduced and read first time: February 6, 2003

Assigned to: Judiciary

	A BILL ENTITLED
1	AN ACT concerning
2	Crimes - Visual and Camera Surveillance - Penalties
3 4 5 6 7 8 9	FOR the purpose of making the crime of visually observing, with prurient interest, an individual without the consent of that individual a felony and increasing the penalties; making the crime of placing or procuring another to place a camera on real property where a private residence is located to conduct certain observations of an individual inside the private residence a felony and increasing the penalties; and generally relating to visual and camera surveillance of an individual without the consent of that individual.
10 11 12 13 14	Article - Criminal Law Section 3-902 and 3-903 Annotated Code of Maryland
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
17	Article - Criminal Law
18	3-902.
19	(a) (1) In this section the following words have the meanings indicated.
20 21	(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.
22	(3) "Private place" means a dressing room, bedroom, or rest room in:
23	(i) an office, business, or store;
24	(ii) a recreational facility;
25	(iii) a restaurant or tavern;

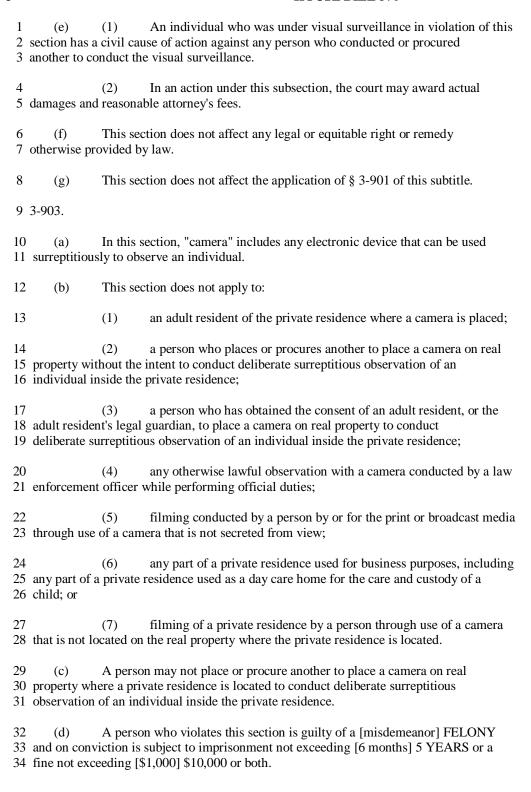
A person who violates this section is guilty of a [misdemeanor] FELONY

28 and on conviction is subject to imprisonment not exceeding [6 months] 5 YEARS or a

29 fine not exceeding [\$1,000] \$10,000 or both.

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## **HOUSE BILL 570**



## **HOUSE BILL 570**

- 1 (e) Subject to subsection (b)(1) of this section, it is not a defense to a 2 prosecution under this section that the defendant owns the private residence.
- 3 (f) A good faith reliance on a court order is a complete defense to a civil or 4 criminal action brought under this section.
- 5 (g) (1) An individual who was observed through the use of a camera in
- 6 violation of this section has a civil cause of action against any person who placed or
- 7 procured another to place the camera on the real property.
- 8 (2) In an action under this subsection, the court may award damages and 9 reasonable attorney's fees.
- 10 (h) This section does not affect any legal or equitable right or remedy 11 otherwise provided by law.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 13 October 1, 2003.