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2003 Regular Session 3lr2322 CF 3lr1430

By: Senators Schrader, Brinkley, Hafer, Jacobs, Kittleman, and Stoltzfus Introduced and read first time: February 5, 2003 Assigned to: Rules A BILL ENTITLED 1 AN ACT concerning 2 **Crimes - Visual and Camera Surveillance - Penalties** 3 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 4 5 penalties; making the crime of placing or procuring another to place a camera on 6 real property where a private residence is located to conduct certain 7 observations of an individual inside the private residence a felony and 8 increasing the penalties; and generally relating to visual and camera 9 surveillance of an individual without the consent of that individual. 10 BY repealing and reenacting, with amendments, Article - Criminal Law 11 12 Section 3-902 and 3-903 Annotated Code of Maryland 13 14 (2002 Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 15 16 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 (2) "Camera" includes any electronic device that can be used 21 surreptitiously to observe an individual. 22 "Private place" means a dressing room, bedroom, or rest room in: (3)23 (i) an office, business, or store;

a recreational facility;

a restaurant or tavern;

(ii)

(iii)

is acting within the scope of the person's occupation.

A person may not with prurient intent conduct or procure another to

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

25 conduct visual surveillance of an individual in a private place without the consent of

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

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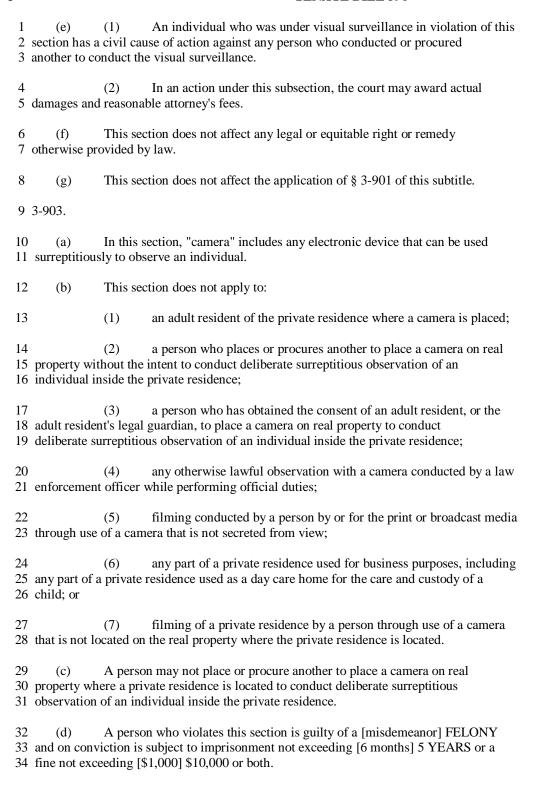
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26 that individual.

(ii)

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

## SENATE BILL 596



## **SENATE BILL 596**

- 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.