

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 544

(Delegate McComas, *et al.*)

Judiciary

Judicial Proceedings

Crimes - Visual Surveillance - Private Place

This bill expands application of a current law provision that prohibits a person with prurient intent from conducting (or procuring another person to conduct) visual surveillance of an individual in a private place without consent by redefining the term private place to mean a room where a person has a reasonable expectation of privacy while partially or fully disrobed in certain places of public use or accommodation, including a tanning room, dressing room, bedroom, or restroom. Under current law penalty provisions, a violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$1,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to applicable penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to applicable penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person with prurient intent is prohibited from conducting (or procuring another person to conduct) visual surveillance of an individual in a private place without consent. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$1,000. An individual under such a visual

surveillance has a civil cause of action against the violator for actual damages and reasonable attorney's fees. These provisions do not affect any other legal or equitable right or remedy. These provisions do not affect the application of the State's general prohibition against visual surveillance.

Private place means certain dressing rooms, bedrooms, or rest rooms, including any place of public use or accommodation.

Background: This bill is in response to a specific incidence of visual surveillance at a tanning salon.

State Revenues: General fund revenues could increase minimally as a result of the applicable current law monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the applicable current law incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2004 are estimated to range from \$14 to \$59 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$350 per month. Excluding medical care, the average variable costs total \$120 per month.

Local Revenues: Revenues could increase minimally as a result of the applicable current law monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase as a result of the applicable current law incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$28 to \$84 per inmate in fiscal 2004.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services
(Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2003
mld/cer Revised - House Third Reader - March 25, 2003
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