HOUSE BILL 613

Unofficial Copy E1 HB 570/03 - JUD 2004 Regular Session 4lr0610

By: Delegates Quinter, Amedori, Bates, Bobo, DeBoy, Feldman, Madaleno, Malone, McComas, McDonough, McMillan, Miller, Montgomery, Pendergrass, Sossi, Trueschler, and F. Turner

Introduced and read first time: February 4, 2004

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	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.
	(3) (i) "Private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, in:
25	1. an office, business, or store;

25 holds a license issued under Title 13 or Title 19 of the Business

26 Occupations and Professions Article; and

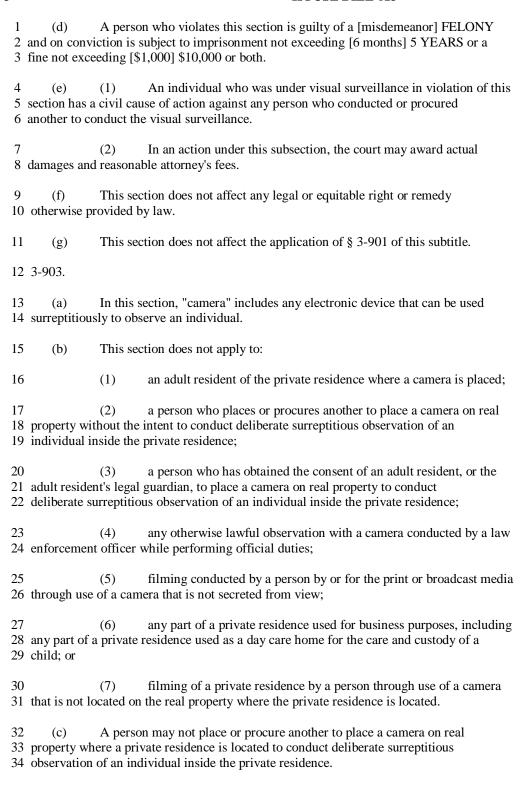
27 (ii) is acting within the scope of the person's occupation.

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

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

30 that individual.

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- 1 (d) A person who violates this section is guilty of a [misdemeanor] FELONY 2 and on conviction is subject to imprisonment not exceeding [6 months] 5 YEARS or a 3 fine not exceeding [\$1,000] \$10,000 or both.
- 4 (e) Subject to subsection (b)(1) of this section, it is not a defense to a 5 prosecution under this section that the defendant owns the private residence.
- 6 (f) A good faith reliance on a court order is a complete defense to a civil or 7 criminal action brought under this section.
- 8 (g) (1) An individual who was observed through the use of a camera in 9 violation of this section has a civil cause of action against any person who placed or 10 procured another to place the camera on the real property.
- 11 (2) In an action under this subsection, the court may award damages and 12 reasonable attorney's fees.
- 13 (h) This section does not affect any legal or equitable right or remedy 14 otherwise provided by law.
- 15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 16 October 1, 2004.