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By: **Delegates Quinter and Doory**

Introduced and read first time: February 21, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Visual Surveillance of Private Area of an Individual - Penalty**

3 FOR the purpose of prohibiting a person, with prurient intent, from conducting or  
4 procuring another to conduct the visual surveillance of a certain private area of  
5 an individual without the consent of the individual; establishing a penalty for  
6 the violation of this Act; raising the penalty for the crime of a certain visual  
7 surveillance of another with prurient intent; defining certain terms; and  
8 generally relating to certain visual surveillance of another with prurient intent.

9 BY repealing and reenacting, with amendments,  
10 Article - Criminal Law  
11 Section 3-902  
12 Annotated Code of Maryland  
13 (2002 Volume and 2004 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Criminal Law**

17 3-902.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "Camera" includes any electronic device that can be used  
20 surreptitiously to observe an individual.

21 (3) "FEMALE BREAST" MEANS A PORTION OF THE FEMALE BREAST  
22 BELOW THE TOP OF THE AREOLA.

23 (4) "PRIVATE AREA OF AN INDIVIDUAL" MEANS THE NAKED OR  
24 UNDERGARMENT-CLAD GENITALS, PUBIC AREA, BUTTOCKS, OR FEMALE BREAST OF  
25 AN INDIVIDUAL.



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

2 (c) A person may not with prurient intent conduct or procure another to  
3 conduct visual surveillance of:

4 (1) an individual in a private place without the consent of that  
5 individual; OR

6 (2) THE PRIVATE AREA OF AN INDIVIDUAL WITHOUT THE CONSENT OF  
7 THE INDIVIDUAL.

8 (d) A person who violates this section is guilty of a misdemeanor and on  
9 conviction is subject to imprisonment not exceeding [1 year] 3 YEARS or a fine not  
10 exceeding \$2,500 or both.

11 (e) (1) An individual who was under visual surveillance in violation of this  
12 section has a civil cause of action against any person who conducted or procured  
13 another to conduct the visual surveillance.

14 (2) In an action under this subsection, the court may award actual  
15 damages and reasonable attorney's fees.

16 (f) This section does not affect any legal or equitable right or remedy  
17 otherwise provided by law.

18 (g) This section does not affect the application of § 3-901 of this subtitle.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2005.