E1 5lr3112

By: Delegates Quinter and Doory
Introduced and read first time: February 21, 2005
Assigned to: Rules and Executive Nominations

	A BILL ENTITLED							
1	AN ACT concerning							
2	Crimes - Visual Surveillance of Private Area of an Individual - Penalty							
3 4 5 6 7 8	procuring another to conduct the visual surveillance of a certain private area of an individual without the consent of the individual; establishing a penalty for the violation of this Act; raising the penalty for the crime of a certain visual surveillance of another with prurient intent; defining certain terms; and							
9 10 11 12 13	Section 3-902Annotated Code of Maryland							
14 15	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 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 20	(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.							
21 22	(3) "FEMALE BREAST" MEANS A PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA.							
	(4) "PRIVATE AREA OF AN INDIVIDUAL" MEANS THE NAKED OR UNDERGARMENT-CLAD GENITALS, PUBIC AREA, BUTTOCKS, OR FEMALE BREAST OF AN INDIVIDUAL.							

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		(3)] expecte	(5) (i) "Private place" means a room in which a person can led to fully or partially disrobe and has a reasonable expectation			
4				1.	an office, business, or store;	
5				2.	a recreational facility;	
6				3.	a restaurant or tavern;	
7				4.	a hotel, motel, or other lodging facility;	
8				5.	a theater or sports arena;	
9				6.	a school or other educational institution;	
10				7.	a bank or other financial institution;	
11 12	of a child; or			8.	any part of a day care home used for the care and custody	
13				9.	another place of public use or accommodation.	
14 15	bedroom, or re	estroon	(ii) n.	"Private	place" includes a tanning room, dressing room,	
16 17	6 [(4)] (6) (i) "Visual surveillance" means the deliberate, surreptitious 7 observation of an individual by any means.					
18			(ii)	"Visual	ual surveillance" includes surveillance by:	
19				1.	direct sight;	
20				2.	the use of mirrors; or	
21				3.	the use of cameras.	
22 23	unintentional o	bserva	(iii) "Visual surveillance" does not include a casual, momentary, or ration of an individual.			
24	(b) T	his sec	section does not apply to a person who without prurient intent:			
25	(1	1)	conducts filming by or for the print or broadcast media;			
26 27	(2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or					
28	(3	3)	conducts	ts visual surveillance and:		
29 30	(i) holds a license issued under Title 13 or Title 19 of the Business Occupations and Professions Article; and					

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1		(ii)	is acting within the scope of	f the person's occupation.				
2 3	(c) A person may not with prurient intent conduct or procure another to onduct visual surveillance of:							
4 5	(1) individual; OR	an indiv	idual in a private place witho	out the consent of that				
6 7	(2) THE INDIVIDUAL.	THE PI	RIVATE AREA OF AN IND	DIVIDUAL WITHOUT THE CONSENT OF				
	(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [1 year] 3 YEARS or a fine not exceeding \$2,500 or both.							
	(e) (1) section has a civil car another to conduct the	use of ac	tion against any person who	surveillance in violation of this conducted or procured				
14 15	(2) damages and reasona		tion under this subsection, the ney's fees.	ne court may award actual				
16 17	(f) This sec otherwise provided b		s not affect any legal or equit	table right or remedy				
18	(g) This sec	tion doe	s not affect the application of	f § 3-901 of this subtitle.				
19 20	SECTION 2. AN October 1, 2005.	D BE IT	FURTHER ENACTED, The	at this Act shall take effect				