
By: **Senator Stone**

Introduced and read first time: February 20, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Camera Surveillance of a Person in a Residential Yard with Privacy**
3 **Fence**

4 FOR the purpose of making it a misdemeanor to place or procure another to place a
5 camera to conduct certain deliberate surreptitious surveillance of an individual
6 located in a private residential backyard surrounded by a privacy fence of a
7 certain height and constructed in a certain manner; and generally relating to
8 camera surveillance of an individual without the consent of that individual.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Law
11 Section 3-903
12 Annotated Code of Maryland
13 (2002 Volume and 2005 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 3-903.

18 (a) In this section, "camera" includes any electronic device that can be used
19 surreptitiously to observe an individual.

20 (b) This section does not apply to:

21 (1) an adult resident of the private residence where a camera is placed;

22 (2) a person who places or procures another to place a camera on real
23 property without the intent to conduct deliberate surreptitious observation of an
24 individual inside the private residence;

25 (3) a person who has obtained the consent of an adult resident, or the
26 adult resident's legal guardian, to place a camera on real property to conduct
27 deliberate surreptitious observation of an individual inside the private residence;

1 (4) any otherwise lawful observation with a camera conducted by a law
2 enforcement officer while performing official duties;

3 (5) filming conducted by a person by or for the print or broadcast media
4 through use of a camera that is not secreted from view;

5 (6) any part of a private residence used for business purposes, including
6 any part of a private residence used as a day care home for the care and custody of a
7 child;

8 (7) filming of a private residence by a person through use of a camera
9 that is not located on the real property where the private residence is located; or

10 (8) any otherwise lawful observation with a camera of the common area
11 of multiunit family dwellings by a person that holds a license under Title 13 or Title
12 19 of the Business Occupations and Professions Article, acting within the scope of the
13 person's occupation.

14 (c) (1) A person may not place or procure another to place a camera on real
15 property where a private residence is located to conduct deliberate surreptitious
16 observation of an individual inside the private residence.

17 (2) A PERSON MAY NOT PLACE OR PROCURE ANOTHER TO PLACE A
18 CAMERA TO CONDUCT DELIBERATE SURREPTITIOUS OBSERVATION OF AN
19 INDIVIDUAL LOCATED IN A PRIVATE RESIDENTIAL BACKYARD SURROUNDED BY A
20 PRIVACY FENCE THAT IS AT LEAST 6 FEET TALL AND CONSTRUCTED OF
21 OVERLAPPING, SHADOW BOX, OR TONGUE AND GROOVE BOARDS.

22 (d) A person who violates this section is guilty of a misdemeanor and on
23 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
24 \$2,500 or both.

25 (e) Subject to subsection (b)(1) of this section, it is not a defense to a
26 prosecution under this section that the defendant owns the private residence.

27 (f) A good faith reliance on a court order is a complete defense to a civil or
28 criminal action brought under this section.

29 (g) (1) An individual who was observed through the use of a camera in
30 violation of this section has a civil cause of action against any person who placed or
31 procured another to place the camera on the real property.

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

34 (h) This section does not affect any legal or equitable right or remedy
35 otherwise provided by law.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2006.

