

HB0236/693029/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 236
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Valentine**” and substitute “**Delegates Valentine, Crutchfield, Cardin, Tomlinson, Schmidt, Simmons, Phillips, Arikan, Simpson, Grammer, Sample-Hughes, Conaway, Kaufman, and Williams**”.

AMENDMENT NO. 2

On page 1, in line 2, after “**Orders**” insert “**and Criminal Harassment**”; strike beginning with “authorizing” in line 3 down through “privacy;” in line 6; in line 7, after “order;” insert “altering the acts that constitute criminal harassment to include certain intentional visual surveillance of an area of another person’s residence where the other has a reasonable expectation of privacy;”; in line 10, after “(i)” insert “and 3-1503(a)(1)”; in line 15, strike “3-1503(a)(1) and”; and after line 17, insert:

“BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3-803

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 3

On page 2, in line 22, strike the brackets; and strike beginning with the semicolon in line 24 down through “**PRIVACY**” in line 28.

On page 3, after line 20, insert:

“**Article – Criminal Law**”

3-803.

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "RESIDENCE" INCLUDES THE YARD, GROUNDS, OUTBUILDINGS, AND COMMON AREAS SURROUNDING A RESIDENCE.

(3) "VISUAL SURVEILLANCE" HAS THE MEANING STATED IN § 3-901 OF THIS TITLE.

(B) A person may not follow another in or about a public place, CONDUCT VISUAL SURVEILLANCE OF AN AREA OF ANOTHER'S RESIDENCE WHERE THE OTHER HAS A REASONABLE EXPECTATION OF PRIVACY, or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other;

(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(3) without a legal purpose.

[(b)] (C) (1) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(2) THIS SECTION MAY NOT BE CONSTRUED IN A MANNER THAT INFRINGES ON ANY RIGHT GUARANTEED UNDER THE UNITED STATES CONSTITUTION OR THE MARYLAND DECLARATION OF RIGHTS.

[(c)] (D) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.”.