HOUSE BILL 437

 $\begin{array}{c} E1\\ SB\ 555/24-JPR \end{array}$ CF SB 348

By: Delegate Crutchfield

Introduced and read first time: January 16, 2025

Assigned to: Judiciary

AN ACT concerning

A BILL ENTITLED

Criminal Law – Visual Surveillance With Prurient Intent – Private Place 2 3 FOR the purpose of altering the definition of "private place" as it relates to the prohibition on conducting visual surveillance with prurient intent of an individual without the 4 5 consent of the individual; and generally relating to the crime of visual surveillance 6 with prurient intent. 7 BY repealing and reenacting, with amendments, 8 Article – Criminal Law 9 Section 3–902 10 Annotated Code of Maryland 11 (2021 Replacement Volume and 2024 Supplement)

- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 13 That the Laws of Maryland read as follows:
- 14 Article Criminal Law
- 15 3–902.

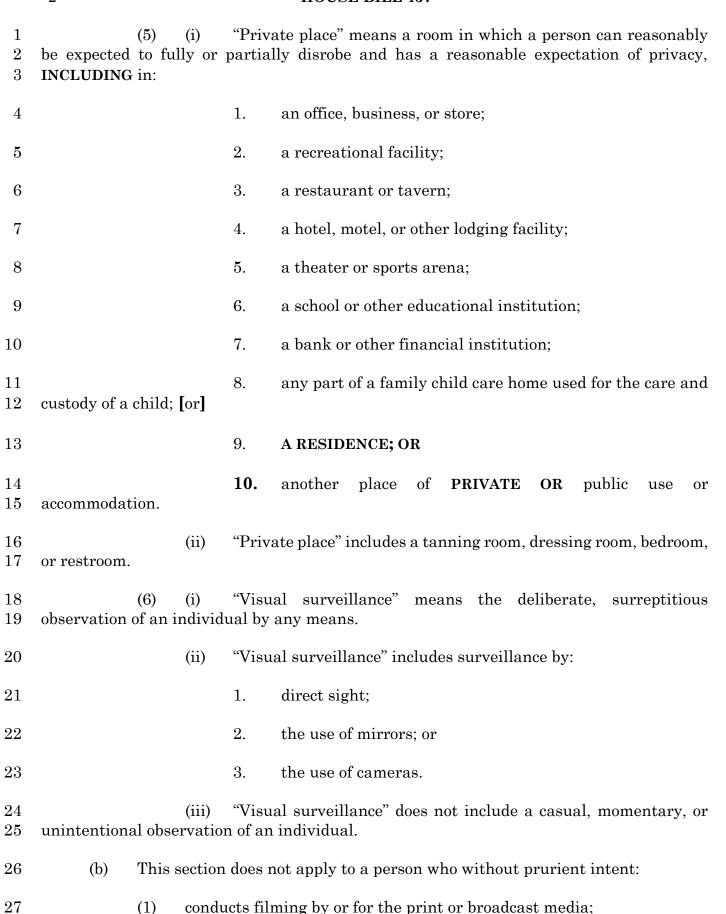
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- 16 (a) (1) In this section the following words have the meanings indicated.
- 17 (2) "Camera" includes any electronic device that can be used 18 surreptitiously to observe an individual.
- 19 (3) "Female breast" means a portion of the female breast below the top of 20 the areola.
- 21 (4) "Private area of an individual" means the naked or undergarment—clad genitals, pubic area, buttocks, or female breast of an individual.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1 (2)conducts or procures another to conduct visual surveillance of an 2 individual to protect property or public safety or prevent crime; or 3 (3)conducts visual surveillance and: holds a license issued under Title 13 or Title 19 of the Business 4 5 Occupations and Professions Article; and 6 (ii) is acting within the scope of the person's occupation. 7 A person may not with prurient intent conduct or procure another to conduct visual surveillance of: 8 9 (1) an individual in a private place without the consent of that individual; 10 or 11 (2)the private area of an individual by use of a camera without the consent 12 of the individual under circumstances in which a reasonable person would believe that the 13 private area of the individual would not be visible to the public, regardless of whether the individual is in a public or private place. 14 15 A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both. 16 17 An individual who was under visual surveillance in violation of this 18 section has a civil cause of action against any person who conducted or procured another to conduct the visual surveillance. 19 20 (2)In an action under this subsection, the court may award actual damages 21and reasonable attorney's fees. 22This section does not affect any legal or equitable right or remedy otherwise 23provided by law. 24This section does not affect the application of § 3–901 of this subtitle. (g)

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2025.