

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 92

(Senator Corderman)

Judicial Proceedings

Judiciary

Peace Orders and Criminal Harassment - Intentional Visual Surveillance

This bill expands § 3-803 of the Criminal Law Article (harassment) to prohibit an individual from conducting visual surveillance of an area of another person's residence where the other person has a reasonable expectation of privacy, as otherwise specified in statute. Violators are subject to the existing statutory penalty for violations of § 3-803. The bill also prohibits the harassment statute from being construed in a manner that infringes on any right guaranteed under the U.S. Constitution or the Maryland Declaration of Rights. Finally, the bill expands available relief under final peace orders issued based on an act of visual surveillance to include ordering the respondent to (1) remove or reposition a device being used for visual surveillance within 15 days after issuance of a final peace order and (2) refrain from further visual surveillance.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$29,600 in FY 2026 only for programming changes to update the relief available in interim, temporary, and final peace orders. Otherwise, the bill's provisions, including expanded applicability of an existing penalty provision, are not anticipated to materially affect State finances.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	29,600	0	0	0	0
Net Effect	(\$29,600)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Harassment

Section 3-803 of the Criminal Law Article (harassment) prohibits a person from following another in or about a public place or maliciously engaging 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.

Violators are guilty of a misdemeanor and subject to the following penalties: (1) for a first offense, up to 90 days imprisonment and/or a maximum \$500 fine and (2) for a second or subsequent offense, up to 180 days imprisonment and/or a maximum \$1,000 fine. The prohibition does not apply to a peaceable activity intended to express a political view or provide information to others.

Visual Surveillance

Generally, under § 3-901 of the Criminal Law Article, a person may not conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of the individual. Visual surveillance means surveillance by direct sight, the use of mirrors, the use of cameras, or the use of an electronic device that can be used surreptitiously to observe an individual. A private place is a dressing room or restroom in a retail store.

Generally, under § 3-902 of the Criminal Law Article, a person may not, with prurient intent, conduct or procure another to conduct visual surveillance of (1) an individual in a private place without the consent of that individual or (2) the private area, as specified, of an individual by use of a camera without the consent of the individual under circumstances in which a reasonable person would believe that the private area of the individual would not be visible to the public, regardless of whether the individual is in a public or private place. Visual surveillance is the deliberate, surreptitious observation of an individual by any means, including surveillance by direct sight, the use of mirrors, or the use of cameras. A private place is a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, as specified.

Generally, under § 3-903 of the Criminal Law Article, a person may not place or procure another to place a camera on real property where a private residence is located to conduct

deliberate surreptitious observation of an individual inside the private residence, as specified.

Peace Orders

An individual who does not meet specified relationship requirements under the domestic violence protective order statutes may file a petition for a peace order with the District Court or the District Court commissioner that alleges the commission of specified acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition. Such acts include an act that causes serious bodily harm, an act that places the petitioner in fear of imminent serious bodily harm, harassment, stalking, trespass, malicious destruction of property, and, as defined in specified provisions of the Criminal Law Article, “visual surveillance.”

After a final peace order hearing, if a judge finds by a preponderance of the evidence that the respondent has committed, and is likely to commit in the future, one of the specified acts against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner. The order must contain only the relief that is minimally necessary to protect the petitioner. A final peace order may order the respondent to (1) refrain from committing or threatening to commit specified acts; (2) refrain from contacting, attempting to contact, or harassing the petitioner; (3) refrain from entering the residence of the petitioner; or (4) remain away from the place of employment, school, or temporary residence of the petitioner. Final peace orders may also direct the respondent or petitioner to participate in counseling or mediation and order either party to pay filing fees and costs. Relief granted in a final peace order is effective for the period stated in the order but may not exceed six months. Statutory provisions set forth circumstances under which a final peace order may be modified, rescinded, or extended.

An individual who fails to comply with specified provisions of an interim, temporary, or final peace order is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment for a first offense and a \$2,500 fine and/or one year imprisonment for a second or subsequent offense.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 236 (Delegate Valentine, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Legislative Services

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