



Testimony for the House Judiciary Committee

February 21, 2020

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HB 1211 Criminal Law - Visual Surveillance in a Private Place or of a Private Area

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The ACLU of Maryland urges an unfavorable report on HB 1211, which removes the mens rea requirement from the existing criminal statute regarding private visual surveillance.

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The ACLU of Maryland certainly supports protecting the privacy rights of Marylanders, especially in their homes and private spaces where they do not expect to be subject to surveillance by the state or private actors.

WWW.ACLU-MD.ORG

However, removal of the mens rea element of the current statute would subject a broad and unintended swath of conduct to criminal penalties. The most obvious example of this being family home videos, wherein parents record their children, or siblings recording each other at home to memorialize candid moments when almost by definition, the subject does not expect to be recorded.

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