

SUSAN C. LEE
Legislative District 16
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair

Maryland Legislative Asian American
and Pacific Islander Caucus

President Emeritus

Women Legislators of the
Maryland General Assembly, Inc.



James Senate Office Building
11 Bladen Street, Room 223
Annapolis, Maryland 21401
410-841-3124 · 301-858-3124
800-492-7122 Ext. 3124
Susan.Lee@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 8, 2022

Sponsor Testimony- FAVORABLE- SB326- Criminal Law – Visual Surveillance with Prurient Intent – Minor Victim

Senate Bill 326 is an addition of ten short lines of text that will fix a huge loophole in current law. This legislation elevates the current misdemeanor charge to felony in cases of surveillance of prurient or sexual intent when the victim is a minor and at least four years younger than the defendant.

Currently, Maryland Criminal Law § 3-902 provides that anyone found to have surveyed a victim for sexual purposes while the victim had reasonable expectation of privacy- for example, in their bedroom, bathroom, or a dressing room- faces a misdemeanor sentence of no more than one year in prison or a \$2,500 fine. Current law stipulates that the surveillance must be of bodily areas deemed “private parts of the body,” to include: the majority of the female breast (not cleavage viewable while in low-cut tops or swimwear), naked or undergarment-clad genitals, the pubic area, or the buttocks of an individual. These maximums include cases involving child victims.

This bill deems such a crime serious enough to be a felony any occasion in which the victim of prurient surveillance is a minor and the defendant was at least four years older than the victim. The maximum sentence is increased from one-year to ten years and the potential fine doubled to \$5,000. An amendment clarifies that the locations of such surveillance be in a residential setting or place of private use or accommodation and without the consent of the minor. The house has also proposed this same amendment in the cross-filed bill. This is a multi-jurisdictional and bipartisan effort to align our laws better to the harm the criminal behavior creates.

This simple addition to § 3-902 assists in combatting the scourge of child pornography and ensures that at every step of production, stern penalties await those who would engage in such an enterprise. To invade a personal moment during which child was either using facilities or otherwise comfortable enough to undress is one of gross perversion and modern technology

continues to allow would-be surveyors cheaper and stealthier means to view and preserve such intrusions.

We must ensure that we convey a clear message: this behavior is not tolerated in our state. Children and teens deserve protection and privacy and the knowledge that our criminal law will punish those who dare invade.

For these reasons, I request a favorable vote on Senate Bill 326.