

Bill Number: HB 437
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HOUSE BILL 437
CRIMINAL LAW-VISUAL SURVEILLANCE WITH PRURIENT INTENT- PRIVATE
PLACE

I write in support of House Bill 437 which clarifies Criminal Law Article 3-902 Visual Surveillance with Prurient Intent – Private Place and Minor Victim. Why is it necessary to add to this statute the term “a residence; or another place of private or public use or accommodation”?

Because in 2018 in Bickford v State the Court of Special Appeals held that a father secretly recording his daughter in the family bathroom did not constitute a crime under this statute. Thankfully the father was convicted of other charges but what if video recording of a minor in a private home's bathroom was the only crime. We must fix this statute and the fix is easy.

Adding the additions as outlined in House Bill 437 merely clarifies the intent of Legislature when it passed this statute. The Legislature did not want anyone to be video recorded in a state of undress, unless consented to, Period! Anywhere. A person's home bathroom should not be excluded based upon the Court's interpretation of this statute. This is a simple fix in keeping with the intent of the statute.

The simple change fixes a decision of the courts that was not in keeping with the statute's intent.

I urge a favorable report.