

SENATE BILL 664

D5

CONSTITUTIONAL AMENDMENT

01r0333
CF 01r0334

By: **Senator Lee**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Declaration of Rights – Right to Privacy**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to establish
4 that each individual has a natural, essential, and inherent right to privacy that
5 guarantees freedom from government intrusion; providing that the right to privacy
6 includes the right of an individual to live free from intrusions caused by or directly
7 traceable to the unauthorized collection of certain data; providing that the right to
8 privacy does not prohibit the State from regulating the sale or purchase of a firearm
9 or ammunition; providing that the right to privacy may not be infringed without a
10 showing of a compelling state interest; authorizing certain legislation and executive
11 action; and submitting this amendment to the qualified voters of the State for their
12 adoption or rejection.

13 BY proposing an addition to the Maryland Constitution
14 Declaration of Rights
15 Article 48

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
18 proposed that the Maryland Constitution read as follows:

19 **Declaration of Rights**

20 **ARTICLE 48.**

21 **(A) THAT EACH INDIVIDUAL HAS A NATURAL, ESSENTIAL, AND INHERENT**
22 **RIGHT TO PRIVACY THAT GUARANTEES FREEDOM FROM GOVERNMENT INTRUSION.**

23 **(B) THE RIGHT TO PRIVACY INCLUDES THE RIGHT OF AN INDIVIDUAL TO**
24 **LIVE FREE FROM INTRUSION CAUSED BY OR DIRECTLY TRACEABLE TO THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 UNAUTHORIZED COLLECTION OF DATA CONCERNING THE INDIVIDUAL BY ANOTHER.

2 (C) THE RIGHT TO PRIVACY DOES NOT PROHIBIT THE STATE FROM
3 REGULATING THE SALE OR PURCHASE OF A FIREARM OR AMMUNITION.

4 (D) THE RIGHT TO PRIVACY MAY NOT BE INFRINGED WITHOUT A SHOWING
5 OF A COMPELLING STATE INTEREST.

6 (E) (1) THE GENERAL ASSEMBLY MAY PROTECT THE RIGHT TO PRIVACY
7 THROUGH APPROPRIATE LEGISLATION.

8 (2) THE GOVERNOR MAY ENFORCE THE RIGHT TO PRIVACY THROUGH
9 APPROPRIATE EXECUTIVE ACTION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
11 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
12 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
13 Constitution concerning local approval of constitutional amendments do not apply.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
15 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
16 voters of the State at the next general election to be held in November 2020 for adoption or
17 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
18 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
19 ballot there shall be printed the words "For the Constitutional Amendment" and "Against
20 the Constitutional Amendment", as now provided by law. Immediately after the election,
21 all returns shall be made to the Governor of the vote for and against the proposed
22 amendment, as directed by Article XIV of the Maryland Constitution, and further
23 proceedings had in accordance with Article XIV.