

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 632 (Senator Corderman, *et al.*)
 Judicial Proceedings

Peace Orders - Visual Surveillance

This bill adds the visual surveillance of areas of an individual’s residence where the individual has a reasonable expectation of privacy (whether or not prohibited under specified statutes in the Criminal Law Article) to the list of acts for which an individual may seek relief by petitioning for a peace order.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$29,000 in FY 2025 only for programming changes. Otherwise, the Judiciary can handle additional peace order petitions and hearings using existing budgeted resources. Minimal increase in revenues from additional peace orders filed.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
GF Revenue	-	-	-	-	-
GF Expenditure	\$29,000	\$0	\$0	\$0	\$0
Net Effect	(\$29,000)	-	-	-	-

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:

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.

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.

Additional Comments: The Judiciary reports that peace order filings increased by more than 30% between fiscal 2022 and 2023 (from 15,843 to 19,644).

Additional Information

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

Designated Cross File: HB 911 (Delegate Valentine, *et al.*) - Judiciary.

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

Fiscal Note History: First Reader - February 15, 2024
km/jkb

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