

HOUSE BILL 236

D3
HB 911/24 – JUD

(PRE-FILED)

5lr1166
CF SB 92

By: ~~Delegate Valentine~~ Delegates Valentine, Crutchfield, Cardin, Tomlinson, Schmidt, Simmons, Phillips, Arian, Simpson, Grammer, Sample-Hughes, Conaway, Kaufman, and Williams

Requested: October 10, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2025

CHAPTER _____

1 AN ACT concerning

2 **Peace Orders and Criminal Harassment** – Intentional Visual Surveillance

3 FOR the purpose of ~~authorizing a certain person to petition for a peace order against~~
4 ~~another person whom the petitioner alleges has conducted intentional visual~~
5 ~~surveillance of areas of the petitioner's residence where the petitioner has a~~
6 ~~reasonable expectation of privacy;~~ expanding the relief that may be included in a
7 final peace order; altering the acts that constitute criminal harassment to include
8 certain intentional visual surveillance of an area of another person's residence where
9 the other has a reasonable expectation of privacy; and generally relating to peace
10 orders and visual surveillance.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–1501(a) and (i) and 3–1503(a)(1)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section ~~3–1503(a)(1) and~~ 3–1505(d)(1)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–803
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3–1501.

(a) In this subtitle the following words have the meanings indicated.

(i) “Residence” includes the yard, grounds, outbuildings, and common areas surrounding the residence.

3–1503.

(a) (1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner, or any of the following acts against the petitioner’s employee at the employee’s workplace, by the respondent, if the act occurred within 30 days before the filing of the petition:

(i) An act that causes serious bodily harm;

(ii) An act that places the petitioner or the petitioner’s employee in fear of imminent serious bodily harm;

(iii) Assault in any degree;

(iv) False imprisonment;

(v) Harassment under § 3–803 of the Criminal Law Article;

(vi) Stalking under § 3–802 of the Criminal Law Article;

(vii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

(viii) Malicious destruction of property under § 6–301 of the Criminal Law Article;

(ix) Misuse of telephone facilities and equipment under § 3–804 of the Criminal Law Article;

(x) Misuse of electronic communication or interactive computer service under § 3–805 of the Criminal Law Article;

(xi) Revenge porn under § 3–809 of the Criminal Law Article; ~~for~~

(xii) Visual surveillance under § 3–901, § 3–902, or § 3–903 of the Criminal Law Article; ~~OR~~

~~(XIII) INTENTIONAL VISUAL SURVEILLANCE, WHETHER OR NOT PROHIBITED UNDER § 3–901, § 3–902, OR § 3–903 OF THE CRIMINAL LAW ARTICLE, OF AREAS OF THE PETITIONER’S RESIDENCE WHERE THE PETITIONER HAS A REASONABLE EXPECTATION OF PRIVACY.~~

3–1505.

(d) (1) The final peace order may include any or all of the following relief:

(i) Order the respondent to refrain from committing or threatening to commit an act specified in § 3–1503(a) of this subtitle against the petitioner or the petitioner’s employee;

(ii) Order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner or the petitioner’s employee;

(iii) Order the respondent to refrain from entering the residence of the petitioner or the petitioner’s employee;

(iv) Order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner or the petitioner’s employee;

(v) Direct the respondent or petitioner to participate in professionally supervised counseling or, if the parties are amenable, mediation; ~~and~~

(vi) Order either party to pay filing fees and costs of a proceeding under this subtitle; **AND**

(VII) FOR AN ACT OF VISUAL SURVEILLANCE, ORDER THE RESPONDENT TO:

1. REMOVE OR REPOSITION A DEVICE BEING USED FOR VISUAL SURVEILLANCE WITHIN 15 DAYS AFTER ISSUANCE OF A FINAL PEACE ORDER UNDER THIS SECTION; AND

2. REFRAIN FROM FURTHER VISUAL SURVEILLANCE.

Article – Criminal Law3–803.

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “RESIDENCE” INCLUDES THE YARD, GROUNDS, OUTBUILDINGS, AND COMMON AREAS SURROUNDING A RESIDENCE.

(3) “VISUAL SURVEILLANCE” HAS THE MEANING STATED IN § 3–901 OF THIS TITLE.

(B) A person may not follow another in or about a public place, CONDUCT VISUAL SURVEILLANCE OF AN AREA OF ANOTHER’S RESIDENCE WHERE THE OTHER HAS A REASONABLE EXPECTATION OF PRIVACY, or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other;

(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(3) without a legal purpose.

[(b)] (C) (1) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(2) THIS SECTION MAY NOT BE CONSTRUED IN A MANNER THAT INFRINGES ON ANY RIGHT GUARANTEED UNDER THE UNITED STATES CONSTITUTION OR THE MARYLAND DECLARATION OF RIGHTS.

[(c)] (D) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.