

(IV) THE USE OF AN ELECTRONIC DEVICE THAT CAN BE USED SURREPTITIOUSLY TO OBSERVE AN INDIVIDUAL.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO ANY OTHERWISE LAWFUL SURVEILLANCE CONDUCTED BY A LAW ENFORCEMENT OFFICER WHILE PERFORMING OFFICIAL DUTIES.

(C) PROHIBITED.

A PERSON MAY NOT CONDUCT OR PROCURE ANOTHER TO CONDUCT VISUAL SURVEILLANCE OF AN INDIVIDUAL IN A PRIVATE PLACE WITHOUT THE CONSENT OF THAT INDIVIDUAL.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(E) PROHIBITED DEFENSE.

IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE DEFENDANT OWNS THE PREMISES WHERE THE PRIVATE PLACE IS LOCATED.

(F) CIVIL ACTION.

(1) AN INDIVIDUAL WHO WAS UNDER VISUAL SURVEILLANCE IN VIOLATION OF THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST ANY PERSON WHO CONDUCTED OR PROCURED A PERSON TO CONDUCT THE VISUAL SURVEILLANCE.

(2) IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY AWARD ACTUAL DAMAGES AND REASONABLE ATTORNEY'S FEES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 579.

In subsections (a)(3)(iv), (c), and (f)(1) of this section, the references to an "individual" are substituted for the former references to a "person" because only an individual may be observed by visual surveillance.

In subsection (b) of this section, the former reference to a law enforcement officer performing "his" official duties is deleted as implicit.

In subsection (e) of this section, the reference to the "defendant" is substituted for the former reference to the "person charged" for accuracy.

Also in subsection (e) of this section, the reference to the premises "where" the private place "is located" is substituted for the former reference to the premises "of" the private place for clarity and accuracy.

In subsection (f)(1) of this section, the defined term "visual surveillance" is