

substituted for the former references to "surveillance" for consistency within this section.

In subsection (f)(2) of this section, the reference to "an action under this subsection" is substituted for the former reference to "such an action" for clarity.

Defined term: "Person" § 1-101

3-902. VISUAL SURVEILLANCE WITH PRURIENT INTENT.

(A) DEFINITIONS.

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

(2) "CAMERA" INCLUDES ANY ELECTRONIC DEVICE THAT CAN BE USED SURREPTITIOUSLY TO OBSERVE AN INDIVIDUAL.

(3) "PRIVATE PLACE" MEANS A DRESSING ROOM, BEDROOM, OR REST ROOM IN:

(I) AN OFFICE, BUSINESS, OR STORE;

(II) A RECREATIONAL FACILITY;

(III) A RESTAURANT OR TAVERN;

(IV) A HOTEL, MOTEL, OR OTHER LODGING FACILITY;

(V) A THEATER OR SPORTS ARENA;

(VI) A SCHOOL OR OTHER EDUCATIONAL INSTITUTION;

(VII) A BANK OR OTHER FINANCIAL INSTITUTION;

(VIII) ANY PART OF A DAY CARE HOME USED FOR THE CARE AND CUSTODY OF A CHILD; OR

(IX) ANOTHER PLACE OF PUBLIC USE OR ACCOMMODATION.

(4) (I) "VISUAL SURVEILLANCE" MEANS THE DELIBERATE, SURREPTITIOUS OBSERVATION OF AN INDIVIDUAL BY ANY MEANS.

(II) "VISUAL SURVEILLANCE" INCLUDES SURVEILLANCE BY:

1. DIRECT SIGHT;

2. THE USE OF MIRRORS; OR

3. THE USE OF CAMERAS.

(III) "VISUAL SURVEILLANCE" DOES NOT INCLUDE A CASUAL, MOMENTARY, OR UNINTENTIONAL OBSERVATION OF AN INDIVIDUAL.

(B) SCOPE OF SECTION.