

THIS SECTION DOES NOT APPLY TO A PERSON WHO WITHOUT PRURIENT INTENT:

(1) CONDUCTS FILMING BY OR FOR THE PRINT OR BROADCAST MEDIA;
(2) CONDUCTS OR PROCURES ANOTHER TO CONDUCT VISUAL SURVEILLANCE OF AN INDIVIDUAL TO PROTECT PROPERTY OR PUBLIC SAFETY OR PREVENT CRIME; OR

(3) CONDUCTS VISUAL SURVEILLANCE AND:

(I) HOLDS A LICENSE ISSUED UNDER TITLE 13 OR TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

(II) IS ACTING WITHIN THE SCOPE OF THE PERSON'S OCCUPATION.

(C) PROHIBITED.

A PERSON MAY NOT WITH PRURIENT INTENT 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 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(E) 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 ANOTHER TO CONDUCT THE VISUAL SURVEILLANCE.

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

(F) OTHER REMEDIES.

THIS SECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE RIGHT OR REMEDY OTHERWISE PROVIDED BY LAW.

(G) EFFECT OF SECTION.

THIS SECTION DOES NOT AFFECT THE APPLICATION OF § 3-901 OF THIS SUBTITLE.

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

In subsections (a)(2), (b)(2), (c), and (e)(1) of this section, the references to an "individual" are substituted for the former references to a "person" because only an individual and not the other entities included in the