

- 4. a hotel, motel, or other lodging facility;
- 5. a theater or sports arena;
- 6. a school or other educational institution;
- 7. a bank or other financial institution;
- 8. any part of a day care home used for the care and custody of a child; or
- 9. another place of public use or accommodation.

(ii) "Private place" includes a tanning room, dressing room, bedroom, or restroom.

(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) 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) 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) A person who violates this section is guilty of a ~~felony~~ ~~misdemeanor~~ **FELONY** and on conviction is subject to imprisonment not exceeding [6 months] ~~5~~ ~~3~~ YEARS 1 YEAR or a fine not exceeding [\$1,000] ~~\$10,000~~ \$2,500 or both.

(e) (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.