

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 159
Judiciary

(Delegate Sossi, *et al.*)

Criminal Law - Interception of Communication - Immunity from Prosecution

This bill establishes immunity from criminal prosecution for the interception of a wire, oral, or electronic communication that provides evidence of the commission of a felony.

Fiscal Summary

State Effect: None. The bill does not materially affect the workload of State agencies.

Local Effect: None. The bill does not materially affect the workload of the circuit courts or State's Attorneys.

Small Business Effect: None.

Analysis

Current Law: Under Maryland's wiretapping and electronic surveillance laws, it is unlawful to willfully intercept any wire, oral, or electronic communication. A person who violates these provisions is guilty of a felony and upon conviction is subject to imprisonment for up to five years and/or a fine of up to \$10,000. There are specified exceptions for lawful acts performed by such individuals as (1) a switchboard operator or wire or electronic communication service employee; (2) an investigative or law enforcement officer acting in a criminal investigation or other specified circumstances; (3) a person who is a party to the intercepted communication, where all of the parties have given prior consent; (4) an employee of a governmental emergency communications center; and (5) a person intercepting an electronic communication that is readily accessible to the general public.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2010
mpc/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510