

# SENATE BILL 68

P1

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(PRE-FILED)

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By: **Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)**

Requested: October 11, 2012

Introduced and read first time: January 9, 2013

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Comptroller – Monitoring and Recording of Telephone Calls – Training and**  
3 **Quality Assurance**

4 FOR the purpose of authorizing the Comptroller of the State to manage the monitoring  
5 and recording of certain telephone calls for certain purposes; requiring  
6 monitored or recorded telephone calls to contain a certain notice; prohibiting the  
7 use of information derived from certain telephone calls in certain proceedings,  
8 except under certain circumstances; prohibiting the retention of certain  
9 recordings for more than a certain number of days, except under certain  
10 circumstances; and generally relating to the monitoring and recording of  
11 telephone calls by the Comptroller.

12 BY adding to  
13 Article – Tax – General  
14 Section 2–114  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume and 2012 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Tax – General**

20 **2–114.**

21 **(A) NOTWITHSTANDING THE PROVISIONS OF § 9–602 OF THE CRIMINAL**  
22 **LAW ARTICLE AND SUBJECT TO SUBSECTIONS (B), (C), (D), AND (E) OF THIS**  
23 **SECTION, THE COMPTROLLER MAY MANAGE THE MONITORING AND RECORDING**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OF INCOMING TELEPHONE CALLS TO EMPLOYEES OF THE COMPTROLLER'S  
2 CALL CENTERS TO TELEPHONES WITHIN THE OFFICES OF THE COMPTROLLER  
3 FOR TRAINING AND QUALITY CONTROL PURPOSES.

4 (B) ANY MONITORED OR RECORDED TELEPHONE CALL SHALL CONTAIN  
5 A NOTICE TO THE TELEPHONE CALLER THAT "YOUR CALL MAY BE RECORDED  
6 OR MONITORED FOR TRAINING AND QUALITY CONTROL PURPOSES".

7 (C) (1) THE COMPTROLLER MAY RECORD OR MONITOR INCOMING  
8 CALLS TO THE AUTOMATED CALL DISTRIBUTION SYSTEM ONLY.

9 (2) THE COMPTROLLER MAY NOT RECORD OR MONITOR CALLS  
10 TO OR FROM DIRECT INDIVIDUAL LINES IN THE OFFICE OF THE COMPTROLLER.

11 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INFORMATION  
12 DERIVED FROM AN INCOMING TELEPHONE CALL TO EMPLOYEES OF THE  
13 COMPTROLLER'S CALL CENTERS MAY NOT BE USED IN ANY CRIMINAL OR CIVIL  
14 PROCEEDING AGAINST ANY MARYLAND TAXPAYER UNLESS THE CALLER HAS  
15 MADE A PERSONAL AND IMMINENT THREAT AGAINST AN EMPLOYEE OR  
16 PROPERTY OF THE STATE.

17 (E) RECORDED TELEPHONE CALLS MAY NOT BE RETAINED BY THE  
18 OFFICE OF THE COMPTROLLER FOR LONGER THAN 60 DAYS, EXCEPT:

19 (1) IF THE CALL IS TO BE USED SOLELY FOR TRAINING OF  
20 EMPLOYEES USING THE COMPTROLLER'S CALL CENTERS; OR

21 (2) IN ANY PROCEEDING IN WHICH THE TELEPHONE CALLER  
22 FIRST INTRODUCES THE CONTENTS OF A RECORDED TELEPHONE CALL.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2013.