

SENATE BILL 95

P1
SB 68/13 – B&T

(PRE-FILED)

4lr0038

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

Requested: September 13, 2013
Introduced and read first time: January 8, 2014
Assigned to: Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: January 31, 2014

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of authorizing the Comptroller of the State to ~~manage the monitoring~~
5 monitor and ~~recording of record~~ certain telephone calls for certain purposes;
6 requiring monitored or recorded telephone calls to contain a certain notice;
7 prohibiting the use of information derived from certain telephone calls in
8 certain proceedings, except under certain circumstances; prohibiting the
9 retention of certain recordings for more than a certain number of days, except
10 under certain circumstances; and generally relating to the monitoring and
11 recording of 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 2013 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2-114.

2 (A) NOTWITHSTANDING THE PROVISIONS OF § 9-602 OF THE CRIMINAL
3 LAW ARTICLE AND SUBJECT TO SUBSECTIONS (B), (C), (D), AND (E) OF THIS
4 SECTION, THE COMPTROLLER MAY ~~MANAGE THE MONITORING AND RECORDING~~
5 MONITOR AND RECORD ~~OF~~ INCOMING TELEPHONE CALLS TO EMPLOYEES OF
6 THE COMPTROLLER'S CALL CENTERS TO TELEPHONES WITHIN THE OFFICES OF
7 THE COMPTROLLER FOR ~~TRAINING AND QUALITY CONTROL~~ TRAINING, QUALITY
8 CONTROL, AND EMPLOYEE SAFETY PURPOSES.

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

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

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

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

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

24 (1) IF THE CALL IS TO BE USED SOLELY ~~FOR~~ AS A POSITIVE
25 EXAMPLE TO FOLLOW IN THE TRAINING OF EMPLOYEES USING THE
26 COMPTROLLER'S CALL CENTERS; OR

27 ~~(2) IN ANY PROCEEDING IN WHICH THE TELEPHONE CALLER~~
28 ~~FIRST INTRODUCES THE CONTENTS OF A RECORDED TELEPHONE CALL.~~

29 (2) IF THE CALLER HAS MADE A PERSONAL AND IMMINENT
30 THREAT AGAINST AN EMPLOYEE OR PROPERTY OF THE STATE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2014.