

# Chapter 128

(Senate Bill 95)

AN ACT concerning

## **Comptroller – Monitoring and Recording of Telephone Calls – Training ~~and~~, Quality Assurance, and Employee Safety**

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

BY adding to

Article – Tax – General

Section 2–114

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

### **Article – Tax – General**

**2–114.**

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

**(B) ANY MONITORED OR RECORDED TELEPHONE CALL SHALL CONTAIN A NOTICE TO THE TELEPHONE CALLER THAT “YOUR CALL MAY BE RECORDED OR MONITORED FOR TRAINING AND QUALITY CONTROL PURPOSES”.**

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

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

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

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

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

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

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

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

Approved by the Governor, April 14, 2014.