

HOUSE BILL 791

I1, D3, E2

8lr2089
CF 8lr2091

By: **Delegates Kramer and Adams**

Introduced and read first time: February 1, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Interception of Communication – Financial Institutions**

3 FOR the purpose of providing that it is lawful under certain provisions of law for an
4 employee or agent of a financial institution to intercept and record a certain oral
5 communication under certain circumstances; providing that a certain audio
6 recording shall be preserved for a certain period of time; providing that a certain
7 audio recording may be made in certain formats; providing that a certain audio
8 recording may be made available by a financial institution only to certain persons
9 under certain circumstances; defining a certain term; and generally relating to
10 authorizing financial institutions to intercept and record certain oral
11 communications.

12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 10–402(a)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2017 Supplement)

17 BY adding to
18 Article – Courts and Judicial Proceedings
19 Section 10–402(c)(12)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2017 Supplement)

22 BY adding to
23 Article – Financial Institutions
24 Section 1–212
25 Annotated Code of Maryland
26 (2011 Replacement Volume and 2017 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Courts and Judicial Proceedings**

3 10–402.

4 (a) Except as otherwise specifically provided in this subtitle it is unlawful for any
5 person to:

6 (1) Willfully intercept, endeavor to intercept, or procure any other person
7 to intercept or endeavor to intercept, any wire, oral, or electronic communication;

8 (2) Willfully disclose, or endeavor to disclose, to any other person the
9 contents of any wire, oral, or electronic communication, knowing or having reason to know
10 that the information was obtained through the interception of a wire, oral, or electronic
11 communication in violation of this subtitle; or

12 (3) Willfully use, or endeavor to use, the contents of any wire, oral, or
13 electronic communication, knowing or having reason to know that the information was
14 obtained through the interception of a wire, oral, or electronic communication in violation
15 of this subtitle.

16 (c) **(12) (I) IN THIS PARAGRAPH, “FINANCIAL INSTITUTION” HAS THE**
17 **MEANING STATED IN § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE.**

18 **(II) IT IS LAWFUL UNDER THIS SUBTITLE FOR A FINANCIAL**
19 **INSTITUTION TO INTERCEPT AND RECORD ORAL COMMUNICATIONS OF A PERSON AS**
20 **DESCRIBED IN § 1–212 OF THE FINANCIAL INSTITUTIONS ARTICLE.**

21 **Article – Financial Institutions**

22 **1–212.**

23 **(A) (1) IT IS LAWFUL FOR AN EMPLOYEE OR AN AGENT OF A FINANCIAL**
24 **INSTITUTION TO INTERCEPT AND RECORD AN ORAL COMMUNICATION OF A PERSON:**

25 **(I) ON THE PROPERTY OF THE FINANCIAL INSTITUTION; OR**

26 **(II) AT OR NEAR AN AUTOMATED TELLER MACHINE OPERATED**
27 **BY THE FINANCIAL INSTITUTION.**

28 **(2) THE FINANCIAL INSTITUTION MUST DISPLAY A CLEARLY VISIBLE**
29 **WRITTEN NOTICE THAT AN AUDIO RECORDING OF AN ORAL INTERCEPTION MAY BE**
30 **IN PROGRESS.**

1 **(B) AN AUDIO RECORDING MADE IN ACCORDANCE WITH THIS SECTION:**

2 **(1) SHALL BE PRESERVED FOR AT LEAST 30 CALENDAR DAYS;**

3 **(2) MAY BE MADE AS AN AUDIO-ONLY RECORDING OR AS A VIDEO**
4 **RECORDING; AND**

5 **(3) MAY, ON WRITTEN REQUEST, BE MADE AVAILABLE BY THE**
6 **FINANCIAL INSTITUTION TO A LAW ENFORCEMENT OFFICER, A STATE'S ATTORNEY,**
7 **OR AN AGENT OF THE FEDERAL BUREAU OF INVESTIGATION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2018.