

# HOUSE BILL 748

L3

5lr2762

---

By: **Delegates Schindler, Hill, Kaufman, Roberts, Spiegel, and Wu**

Introduced and read first time: January 27, 2025

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2025

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Municipalities – Enforcement Officers – Body–Worn Cameras**

3 FOR the purpose of including a certain municipal enforcement officer in the definition of  
4 “law enforcement officer” for purposes of a certain exception to prohibitions against  
5 wiretapping and electronic surveillance relating to the use of body–worn cameras by  
6 law enforcement officers; authorizing a municipality to adopt an ordinance or a  
7 resolution authorizing ~~an official who is authorized to act as an~~ a certain enforcement  
8 officer to utilize body–worn cameras; requiring a municipality that adopts a certain  
9 ordinance or resolution to publish a certain policy; and generally relating to  
10 enforcement officers and body–worn cameras.

11 BY repealing and reenacting, without amendments,

12 Article – Courts and Judicial Proceedings

13 Section 10–402(a)

14 Annotated Code of Maryland

15 (2020 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Courts and Judicial Proceedings

18 Section 10–402(c)(11)

19 Annotated Code of Maryland

20 (2020 Replacement Volume and 2024 Supplement)

21 BY adding to

22 Article – Local Government

---

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 Section 6–103.1  
2 Annotated Code of Maryland  
3 (2013 Volume and 2024 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 10–402.

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

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

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

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

20 (c) (11) (i) 1. In this paragraph the following words have the meanings  
21 indicated.

22 2. “Body–worn digital recording device” means a device worn  
23 on the person of a law enforcement officer that is capable of recording video and intercepting  
24 oral communications.

25 3. “Electronic control device” has the meaning stated in §  
26 4–109 of the Criminal Law Article.

27 4. **“LAW ENFORCEMENT OFFICER” INCLUDES A**  
28 **MUNICIPAL ENFORCEMENT OFFICER DULY AUTHORIZED UNDER § 6–103.1 OF THE**  
29 **LOCAL GOVERNMENT ARTICLE TO USE A BODY–WORN CAMERA DURING THE**  
30 **COURSE OF THE OFFICER’S DUTIES.**

31 (ii) It is lawful under this subtitle for a law enforcement officer in  
32 the course of the officer’s regular duty to intercept an oral communication with a  
33 body–worn digital recording device or an electronic control device capable of recording video  
34 and oral communications if:

1 1. The law enforcement officer is in uniform or prominently  
 2 displaying the officer's badge or other insignia;

3 2. The law enforcement officer is making reasonable efforts  
 4 to conform to standards in accordance with § 3-511 of the Public Safety Article for the use  
 5 of body-worn digital recording devices or electronic control devices capable of recording  
 6 video and oral communications;

7 3. The law enforcement officer is a party to the oral  
 8 communication;

9 4. Law enforcement notifies, as soon as is practicable, the  
 10 individual that the individual is being recorded, unless it is unsafe, impractical, or  
 11 impossible to do so; and

12 5. The oral interception is being made as part of a videotape  
 13 or digital recording.

14 (iii) Failure to notify under subparagraph (ii)4 of this paragraph does  
 15 not affect the admissibility in court of the recording if the failure to notify involved an  
 16 individual who joined a discussion in progress for which proper notification was previously  
 17 given.

## 18 Article – Local Government

### 19 6-103.1.

20 (A) IN THIS SECTION, "ENFORCEMENT OFFICER" MEANS AN EMPLOYEE OR  
 21 AGENT OF A MUNICIPALITY WHO IS AUTHORIZED TO ACT AS A CODE ENFORCEMENT,  
 22 PARKING ENFORCEMENT, OR TRAFFIC ENFORCEMENT OFFICER FOR THE  
 23 MUNICIPALITY.

24 ~~(A) (B)~~ A MUNICIPALITY MAY ADOPT AN ORDINANCE OR A RESOLUTION  
 25 AUTHORIZING AN OFFICIAL WHO IS AUTHORIZED TO ACT AS AN ENFORCEMENT  
 26 OFFICER TO UTILIZE A BODY-WORN CAMERA DURING THE COURSE OF THE  
 27 OFFICIAL'S ENFORCEMENT OFFICER'S DUTIES.

28 ~~(B) (C)~~ A MUNICIPALITY THAT ADOPTS AN ORDINANCE OR A RESOLUTION  
 29 UNDER SUBSECTION ~~(A) (B)~~ OF THIS SECTION SHALL DEVELOP AND PUBLISH A  
 30 POLICY FOR THE ISSUANCE AND USE OF A BODY-WORN CAMERA BY AN  
 31 ENFORCEMENT OFFICER THAT ADDRESSES:

32 ~~(1) THE TESTING OF BODY WORN CAMERAS TO ENSURE ADEQUATE~~  
 33 ~~FUNCTIONING;~~

1           ~~(2) THE PROCEDURE FOR AN ENFORCEMENT OFFICER TO FOLLOW IF~~  
2 ~~THE CAMERA FAILS TO OPERATE PROPERLY AT THE BEGINNING OF OR DURING THE~~  
3 ~~ENFORCEMENT OFFICER'S SHIFT;~~

4           ~~(3) WHEN RECORDING IS MANDATORY;~~

5           ~~(4) WHEN RECORDING IS PROHIBITED;~~

6           ~~(5) WHEN RECORDING IS DISCRETIONARY;~~

7           ~~(6) WHEN RECORDING MAY REQUIRE CONSENT OF A SUBJECT BEING~~  
8 ~~RECORDED;~~

9           ~~(7) WHEN A RECORDING MAY BE ENDED;~~

10          ~~(8) PROVIDING NOTICE OF RECORDING;~~

11          ~~(9) ACCESS TO AND CONFIDENTIALITY OF RECORDINGS;~~

12          ~~(10) THE SECURE STORAGE OF DATA FROM A BODY WORN CAMERA;~~

13          ~~(11) REVIEW AND USE OF RECORDINGS;~~

14          ~~(12) RETENTION OF RECORDINGS;~~

15          ~~(13) DISSEMINATION AND RELEASE OF RECORDINGS;~~

16          ~~(14) CONSEQUENCES FOR VIOLATIONS OF THE MUNICIPALITY'S~~  
17 ~~BODY WORN CAMERA POLICY;~~

18          ~~(15) NOTIFICATION REQUIREMENTS WHEN ANOTHER INDIVIDUAL~~  
19 ~~BECOMES A PARTY TO THE COMMUNICATION FOLLOWING THE INITIAL~~  
20 ~~NOTIFICATION;~~

21          ~~(16) SPECIFIC PROTECTIONS FOR INDIVIDUALS WHEN THERE IS AN~~  
22 ~~EXPECTATION OF PRIVACY IN PRIVATE OR PUBLIC PLACES; AND~~

23          ~~(17) ANY ADDITIONAL ISSUES DETERMINED TO BE RELEVANT IN THE~~  
24 ~~IMPLEMENTATION AND USE OF BODY WORN CAMERAS BY ENFORCEMENT OFFICERS~~  
25 IS CONSISTENT WITH THE POLICY PUBLISHED BY THE MARYLAND POLICE TRAINING  
26 AND STANDARDS COMMISSION UNDER § 3-511 OF THE PUBLIC SAFETY ARTICLE  
27 FOR THE ISSUANCE AND USE OF BODY-WORN CAMERAS BY LAW ENFORCEMENT  
28 OFFICERS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2025.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.