



## Maryland State's Attorneys' Association

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**DATE:**                   **January 30, 2024**

**BILL NUMBER:**   **HB 274**

**POSITION:**           **Favorable**

The Maryland State's Attorney's Association (MSAA) supports HB 274.

HB 274 is a modest step towards conforming Maryland law with the common, everyday reality of a world where cell phones and cell phone recordings are ubiquitous. The felony criminal liability imposed by MD. CODE ANN., CTS. & JUD. PROC. ("CJP") § 10-402 is out-of-sync with the expectations and experiences of most Marylanders. This bill recognizes that, and reclassifies violations of CJP § 10-402 from felonies to misdemeanors – as times have changed, the need for proportionality in sentencing requires our criminal law to change as well, and saddling an individual with the lifelong consequences of a felony conviction is no longer commensurate with the harm associated with this offense.

Reclassifying a violation of CJP § 10-402 as a misdemeanor brings the additional benefit of permitting these cases to be tried in the District Court of Maryland, a more efficient and appropriate venue for the vast majority of these matters. This change frees up the limited resources of the circuit courts, allowing them to better prioritize the criminal offenses that really matter to the community, and ensures that defendants prosecuted for violations of CJP § 10-402 are brought to trial more expeditiously.

In past sessions, proponents of this bill have testified to the challenges faced by victims of violent crime who record the crime and inadvertently run up against CJP § 10-402 – while HB 274 does not completely remedy this issue, it is a critical step in the right direction. This bill, and others introduced this session that deal with CJP § 10-402, bring attention to an area of our law that needs to be revisited by the General Assembly, and MSAA urges this Committee to begin this revisiting by issuing a favorable report on HB 274.