

Department of Legislative Services  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 665 (Senator Van Hollen)

Judicial Proceedings

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**Courts - Wiretapping and Electronic Surveillance - Admissibility of Evidence**

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This bill provides that the contents of an intercepted communication, including an interception prohibited under the Maryland Wiretapping and Electronic Surveillance Act, may be received into evidence in any criminal proceeding, if such communication was:

- intercepted by at least one of two or more persons who were a party to the intercepted communication and were not acting as law enforcement agents and the intercepted communication is relevant to a crime at issue in the proceeding; or
- intercepted in another jurisdiction, and the interception would not be excluded in a criminal proceeding in the other jurisdiction.

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**Fiscal Summary**

**State Effect:** The bill's alteration of evidentiary standards is not expected to significantly impact governmental operations or finances.

**Local Effect:** The bill's alteration of evidentiary standards is not expected to significantly impact governmental operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the Maryland Wiretapping and Electronic Surveillance Act, it is generally unlawful to intercept any wire, oral, or electronic communication. A violator is guilty of a felony and subject to a maximum term of imprisonment of five years or a

maximum fine of \$10,000, or both. Unlawfully intercepted communications may not be introduced as evidence. The prohibition does not apply if all the parties to the communication have given prior consent to the interception.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State's Attorneys' Association, Office of the Public Defender, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2000  
cm/jr Revised - Senate Third Reader - March 21, 2000

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