

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1249
Judiciary

(Delegates Cryor and Dumais)

Judicial Proceedings

Criminal Law - Prohibition on Prerecorded Emergency Messages - Exceptions

This bill alters and provides exceptions to the prohibition against a person using a device that dials by remote control a preprogrammed telephone number and transmits a prerecorded message communicating an existing emergency condition without written approval for this use by the holder of the number dialed. The bill specifies that the prohibition does not apply to: (1) a State or local law enforcement agency that is conducting an official investigation or communicating an emergency condition; (2) a State or local emergency management agency that is communicating an emergency condition; or (3) a person specifically designated by a State or local law enforcement or emergency management agency to participate in an official investigation or communicate an emergency condition.

Fiscal Summary

State Effect: None. The bill's changes would not materially affect governmental finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not attach a device to a telephone or telephone line that dials by remote control a preprogrammed number and transmits a prerecorded message communicating an existing emergency condition, including fire, illness, or crime, without written approval for the use of the device from the holder of the number dialed. A

violator is guilty of a misdemeanor and subject to a maximum fine of \$50 for each violation.

Local Fiscal Effect: Most jurisdictions surveyed about this bill report that it would have no fiscal impact.

Talbot County advises that a “reverse 9-1-1 system” currently being considered for purchase by the county would not be covered under the exception granted by this bill because a 9-1-1 system is not a law enforcement unit and the Talbot County system would employ a prerecorded message delivered by automatic dialer to every telephone subscriber in the county.

Background: This bill is a result of the work of the Task Force on Missing and Vulnerable Adults.

Additional Comments: The Emergency Number Systems Board advises that, since each of the 9-1-1 trunks used to deliver calls to the 9-1-1 Center, are associated with a 10-digit phone number, an “auto-dialer” could accidentally call these numbers and tie up the 9-1-1 lines with a prerecorded message. The 10-digit numbers associated with a 9-1-1 trunk also runs in sequence, so it would be very likely that if one of the numbers is dialed, they all would be. In the larger jurisdictions that have numerous 9-1-1 trunks servicing their 9-1-1 Center, the disruption could be substantial.

This would not be the case if the bank of 10-digit phone numbers associated with the delivery of 9-1-1 calls is not part of any auto-caller phone number database and auto-callers could not make calls to randomly generated phone numbers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Montgomery County, Prince George’s County, Talbot County, Department of State Police, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2006
nas/jr Revised - House Third Reader - March 27, 2006

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