

Chapter 17

(Senate Bill 67)

AN ACT concerning

Central Collection Unit – Monitoring and Recording of Telephone Calls – Training and Quality Control Purposes

FOR the purpose of authorizing the Central Collection Unit in the Department of Budget and Management to manage the monitoring and recording of certain telephone calls for certain purposes; requiring monitored or recorded telephone calls to contain a certain notice; prohibiting the Central Collection Unit from recording or monitoring calls to or from certain lines of employees of the Unit; prohibiting the recording of a certain incoming telephone call to be offered in evidence in certain proceedings, except under certain circumstances; prohibiting a recording of a telephone call to be retained for longer than a certain number of days, except under certain circumstances; and generally relating to the monitoring and recording of telephone calls by the Central Collection Unit.

BY adding to

Article – State Finance and Procurement

Section 3–304(d)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Article – State Finance and Procurement

3–304.

(D) (1) NOTWITHSTANDING THE PROVISIONS OF § 9–602 OF THE CRIMINAL LAW ARTICLE, AND SUBJECT TO ~~PARAGRAPH (2)~~ PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, THE CENTRAL COLLECTION UNIT MAY MANAGE THE MONITORING AND RECORDING OF INCOMING TELEPHONE CALLS TO EMPLOYEES OF THE CENTRAL COLLECTION UNIT TO TELEPHONES WITHIN THE OFFICES OF THE CENTRAL COLLECTION UNIT;

(I) TO THE AUTOMATED CALL DISTRIBUTION SYSTEM; AND

(II) FOR TRAINING AND QUALITY CONTROL PURPOSES.

(2) ANY MONITORED OR RECORDED TELEPHONE CALL SHALL CONTAIN A NOTICE TO THE TELEPHONE CALLER THAT “YOUR CALL MAY BE RECORDED OR MONITORED FOR TRAINING AND QUALITY CONTROL PURPOSES”.

(3) THE CENTRAL COLLECTION UNIT MAY NOT RECORD OR MONITOR CALLS TO OR FROM A DIRECT INDIVIDUAL LINE OF AN EMPLOYEE OF THE CENTRAL COLLECTION UNIT.

(4) THE RECORDING OF AN INCOMING TELEPHONE CALL TO AN EMPLOYEE OF THE CENTRAL COLLECTION UNIT MAY NOT BE OFFERED AS EVIDENCE IN A CRIMINAL OR CIVIL PROCEEDING AGAINST ANY CALLER UNLESS:

(I) THE CALLER HAS MADE A PERSONAL OR IMMINENT THREAT AGAINST AN EMPLOYEE OR PROPERTY OF THE STATE; OR

(II) THE CALLER OR CALLER’S REPRESENTATIVE FIRST INTRODUCES THE CONTENTS OR EXISTENCE OF THE RECORDED TELEPHONE CALL IN THE CRIMINAL OR CIVIL PROCEEDING.

(5) A RECORDING OF A TELEPHONE CALL MAY NOT BE RETAINED BY THE CENTRAL COLLECTION UNIT FOR LONGER THAN 60 DAYS, UNLESS THE RECORDING IS BEING USED OR IS TO BE USED:

(I) FOR TRAINING OR QUALITY CONTROL PURPOSES; OR

(II) IN A CRIMINAL OR CIVIL PROCEEDING UNDER PARAGRAPH (4) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, April 9, 2013.