

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 67

(Chair, Budget and Taxation Committee)(By Request -
Departmental - Budget and Management)

Budget and Taxation

Appropriations

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

This departmental bill authorizes the Central Collection Unit (CCU) to manage the monitoring and recording of incoming telephone calls to the automated call distribution system and for training and quality assurance purposes. Monitored or recorded telephone calls must contain a specified notice to the telephone caller. CCU may not record or monitor calls to or from an employee's direct individual line. Recordings of incoming telephone calls may not be offered as evidence in a legal proceeding against any caller unless (1) the caller has made a personal or imminent threat against a State employee or State property or (2) the caller or his/her representative first introduces the recorded telephone call in legal proceedings. CCU may not retain a telephone call recording for longer than 60 days, unless the recording is used for specified training or in legal proceedings.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: None. CCU can handle the bill's requirements with existing budgeted resources.

Local Effect: None.

Small Business Effect: The Department of Budget and Management (DBM) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Under § 9-602 of the Criminal Law Article, absent prior approval by the Attorney General, a State official or employee may not directly or indirectly monitor or record telephone conversations to or from any unit of State government. A person who violates this prohibition is subject to a fine of up to \$1,000 and immediate dismissal from State employment.

With prior approval from the Attorney General, a State official or employee may monitor or record telephone conversations on telephone lines reserved for incoming police, fire, and rescue calls, or only with recorder-connector equipment that produces a distinctive tone approximately every 15 seconds.

Chapter 214 of 2009 (SB 179) authorized the Board of Trustees of the State Retirement and Pension System to adopt regulations allowing managers to monitor and record incoming telephone conversations to specified employees for training and quality control purposes.

Background: CCU, within DBM, collects delinquent debts, claims, and accounts due to State government. Typical debts collected include student tuition and fees, restitution for damage to State property, reimbursement for institutional care, local health department fees, workers' compensation premiums, and State grant overpayments. Collections are deposited into the Central Collection Fund. In fiscal 2012, CCU collected over \$125 million in agencies' delinquent accounts.

CCU employees often take telephone calls from individuals who owe money to the State and are calling in response to a notice or collection attempt. Occasionally, these conversations become emotional and unpleasant. DBM advises that authorizing CCU management to monitor and record these telephone calls could assist in identifying customer relations problems, help ensure that customers are being treated appropriately, and subsequently inform any necessary policy changes and/or employee training programs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Budget and Management, Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2013
mlm/ljm Revised - Senate Third Reader - March 18, 2013

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Central Collection Unit – Monitoring and Recording of Telephone Calls –
Training and Quality

BILL NUMBER: SB 67

PREPARED BY: Department of Budget and Management

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.