

# HOUSE BILL 1518

E2, D3

7lr1454

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By: **Delegates Adams, Kittleman, Korman, Mautz, W. Miller, Moon, and B. Wilson**  
Introduced and read first time: February 10, 2017  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Interception of Communication – Financial Institutions**

3 FOR the purpose of providing that it is lawful under a certain provision of law for an  
4 employee or agent of a financial institution to intercept and record a certain oral  
5 communication under certain circumstances; providing that a certain audio  
6 recording may be retained by a financial institution only in connection with a certain  
7 felony; providing that a certain audio recording may be made available by a financial  
8 institution only to certain persons; providing that access to a certain audio recording  
9 shall be limited to a certain portion of the audio recording; defining a certain term;  
10 and generally relating to authorizing the interception and recording of certain oral  
11 communications under a certain provision of law.

12 BY repealing and reenacting, without amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 10–402(a)  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2016 Supplement)

17 BY adding to  
18 Article – Courts and Judicial Proceedings  
19 Section 10–402(c)(12)  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2016 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 10–402.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as otherwise specifically provided in this subtitle it is unlawful for any  
2 person to:

3 (1) Willfully intercept, endeavor to intercept, or procure any other person  
4 to intercept or endeavor to intercept, any wire, oral, or electronic communication;

5 (2) Willfully disclose, or endeavor to disclose, to any other person the  
6 contents of any wire, oral, or electronic communication, knowing or having reason to know  
7 that the information was obtained through the interception of a wire, oral, or electronic  
8 communication in violation of this subtitle; or

9 (3) Willfully use, or endeavor to use, the contents of any wire, oral, or  
10 electronic communication, knowing or having reason to know that the information was  
11 obtained through the interception of a wire, oral, or electronic communication in violation  
12 of this subtitle.

13 (c) **(12) (I) IN THIS PARAGRAPH, "FINANCIAL INSTITUTION" MEANS**  
14 **ANY FINANCIAL INSTITUTION:**

15 **1. OF THE TYPE SUPERVISED OF THE FINANCIAL**  
16 **INSTITUTIONS ARTICLE; AND**

17 **2. HAVING A BRANCH THAT TAKE DEPOSITS IN THIS**  
18 **STATE.**

19 **(II) IT IS LAWFUL UNDER THIS SUBTITLE FOR AN EMPLOYEE OR**  
20 **AGENT OF A FINANCIAL INSTITUTION TO INTERCEPT AND RECORD AN ORAL**  
21 **COMMUNICATION OF A PERSON ON THE PROPERTY OF THE A FINANCIAL**  
22 **INSTITUTION IF:**

23 **1. THE ORAL INTERCEPTION IS BEING MADE AS PART OF**  
24 **A VIDEO RECORDING; AND**

25 **2. THE FINANCIAL INSTITUTION DISPLAYS A CLEARLY**  
26 **VISIBLE WRITTEN NOTICE THAT AN AUDIO RECORDING OF AN ORAL INTERCEPTION**  
27 **IS BEING MADE.**

28 **(III) AN AUDIO RECORDING MADE IN ACCORDANCE WITH THIS**  
29 **PARAGRAPH MAY BE:**

30 **1. RETAINED BY THE FINANCIAL INSTITUTION THAT**  
31 **MADE THE AUDIO RECORDING ONLY IN CONNECTION WITH A SPECIFIC FELONY FOR**  
32 **WHICH THERE IS PROBABLE CAUSE FOR INVESTIGATION OR PROSECUTION; AND**

1                                   **2.    MADE AVAILABLE BY THE FINANCIAL INSTITUTION**  
2 **ONLY TO A LAW ENFORCEMENT OFFICER, A STATE’S ATTORNEY, AN INDIVIDUAL**  
3 **WHOSE CONVERSATION IS RECORDED, OR THE LEGAL REPRESENTATIVE OF THE**  
4 **INDIVIDUAL.**

5                                   **(IV)   ACCESS TO AN AUDIO RECORDING RETAINED UNDER THIS**  
6 **PARAGRAPH SHALL BE LIMITED TO THE PORTION OF THE AUDIO RECORDING THAT**  
7 **IS PERTINENT TO THE FELONY THAT IS THE SUBJECT OF THE INVESTIGATION OR**  
8 **PROSECUTION.**

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2017.