

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 324
(Senator Lee)
Judicial Proceedings

Intercepted Communications - Penalty

This bill reclassifies a violation of § 10-402(a) of the Courts and Judicial Proceedings Article (intercepted communications) from a felony to a misdemeanor.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The bill is not expected to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, except as otherwise provided in statute, it is unlawful for a person to:

- willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept a wire, oral, or electronic communication;
- willfully disclose, or endeavor to disclose, to any other person the contents of a wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through an illegal intercept; or
- willfully use, or endeavor to use, the contents of a wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through an illegal intercept.

Violators are guilty of a felony, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine. The bill reclassifies this offense as a misdemeanor but does not otherwise alter the maximum term of imprisonment or monetary penalty.

Additional Comments: The Judiciary advises that there were 20 alleged violations and 0 convictions under § 10-402(a) of the Courts and Judicial Proceedings Article in the State's courts during fiscal 2021; there were 17 alleged violations and 0 convictions for this offense in the State's courts during fiscal 2020.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 272 (Delegate Moon) - Judiciary.

Information Source(s): Baltimore, Frederick, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Maryland State's Attorneys' Association; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2022
js/aad

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