

HOUSE BILL 362

E2
HB 272/22 – JUD

3lr0456
CF 3lr0458

By: **Delegates Simpson, Acevero, Amprey, Bartlett, Boyce, Bridges, Crutchfield, Lopez, McCaskill, Mireku–North, Ruth, Shetty, Smith, and Stewart**

Introduced and read first time: January 26, 2023

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Intercepted Communications – Penalty**

3 FOR the purpose of reclassifying, as a misdemeanor instead of a felony, a certain offense
4 relating to the prohibition against intercepting and disclosing any wire, oral, or
5 electronic communications; and generally relating to intercepted communications.

6 BY repealing and reenacting, without amendments,

7 Article – Courts and Judicial Proceedings

8 Section 10–402(a)

9 Annotated Code of Maryland

10 (2020 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Courts and Judicial Proceedings

13 Section 10–402(b)

14 Annotated Code of Maryland

15 (2020 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Courts and Judicial Proceedings**

19 10–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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 (b) Any person who violates subsection (a) of this section is guilty of a [felony]
14 MISDEMEANOR and is subject to imprisonment for not more than 5 years or a fine of not
15 more than \$10,000, or both.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.