

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 362
Judiciary

(Delegate Simpson, *et al.*)

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.

Under current law, 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 42 alleged violations and 0 convictions under § 10-402(a) of the Courts and Judicial Proceedings Article in the State's courts during fiscal 2022; there were 20 alleged violations and 0 convictions for this offense in the State's courts during fiscal 2021.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 272 and SB 324 of 2022.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 9, 2023
km/aad Third Reader - March 20, 2023

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