

HB0748/413428/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 748
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “including a certain municipal enforcement officer in the definition of “law enforcement officer” for purposes of a certain exception to prohibitions against wiretapping and electronic surveillance relating to the use of body-worn cameras by law enforcement officers;”; in line 4, strike “an official who is authorized to act as an” and substitute “a certain”; and after line 7, insert:

“BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 10-402(a)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 10-402(c)(11)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“Article – Courts and Judicial Proceedings

10–402.

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

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

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

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

(c) (11) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Body-worn digital recording device” means a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications.

3. “Electronic control device” has the meaning stated in § 4-109 of the Criminal Law Article.

4. “LAW ENFORCEMENT OFFICER” INCLUDES A MUNICIPAL ENFORCEMENT OFFICER DULY AUTHORIZED UNDER § 6-103.1 OF THE LOCAL GOVERNMENT ARTICLE TO USE A BODY-WORN CAMERA DURING THE COURSE OF THE OFFICER’S DUTIES.

(ii) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication with a body-worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;

2. The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3-511 of the Public Safety Article for the use of body-worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer is a party to the oral communication;

4. Law enforcement notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

(iii) Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given."

AMENDMENT NO. 3

On page 1, after line 16, insert:

“(A) IN THIS SECTION, “ENFORCEMENT OFFICER” MEANS AN EMPLOYEE OR AGENT OF A MUNICIPALITY WHO IS AUTHORIZED TO ACT AS A CODE ENFORCEMENT, PARKING ENFORCEMENT, OR TRAFFIC ENFORCEMENT OFFICER FOR THE MUNICIPALITY.”;

in lines 17, 21, and 22, respectively, strike “(A)”, “(B)”, and “(A)”, respectively, and substitute “(B)”, “(C)”, and “(B)”, respectively; in line 18, strike “OFFICIAL WHO IS AUTHORIZED TO ACT AS AN”; and in line 20, strike “OFFICIAL’S” and substitute **“ENFORCEMENT OFFICER’S”**.

On pages 1 and 2, strike beginning with “ADDRESSES” in line 24 on page 1 down through “OFFICERS” in line 26 on page 2 and substitute **“IS CONSISTENT WITH THE POLICY PUBLISHED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER § 3-511 OF THE PUBLIC SAFETY ARTICLE FOR THE ISSUANCE AND USE OF BODY-WORN CAMERAS BY LAW ENFORCEMENT OFFICERS”**.