

HOUSE BILL 130

E2
HB 274/24 – JUD

(PRE-FILED)

5lr1159
CF SB 38

By: ~~Delegate Simpson~~ **Delegates Simpson, Grammer, and Conaway**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

1 AN ACT concerning

2 **Intercepted Communications – Statute of Limitations and Penalty**

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

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section ~~5–106(a) and (b) and~~ 10–402(a)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 BY adding to
15 Article – Courts and Judicial Proceedings
16 Section 5–106(jj)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 10–402(b)

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 Annotated Code of Maryland
2 (2020 Replacement Volume and 2024 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 5–106.

7 (a) Except as provided by this section, § 1–303 of the Environment Article, and §
8 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be
9 instituted within 1 year after the offense was committed.

10 (b) Notwithstanding § 9–103(a)(3) of the Correctional Services Article or any
11 other provision of the Code, if a statute provides that a misdemeanor is punishable by
12 imprisonment in the penitentiary or that a person is subject to this subsection:

13 (1) The State may institute a prosecution for the misdemeanor at any time;
14 and

15 (2) For purposes of the Maryland Constitution, the person:

16 (i) Shall be deemed to have committed a misdemeanor whose
17 punishment is confinement in the penitentiary; and

18 (ii) May reserve a point or question for in banc review as provided
19 under Article IV, § 22 of the Maryland Constitution.

20 **(JJ) A CRIMINAL PROSECUTION UNDER § 10–402(A) OF THIS ARTICLE SHALL**
21 **BE INSTITUTED WITHIN 5 YEARS AFTER THE OFFENSE WAS COMMITTED.**

22 10–402.

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

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

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

31 (3) Willfully use, or endeavor to use, the contents of any wire, oral, or
32 electronic communication, knowing or having reason to know that the information was

1 obtained through the interception of a wire, oral, or electronic communication in violation
2 of this subtitle.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.