

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 38

(Senator West)

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, in fiscal 2024, there were 34 violations (charges) and 0 guilty dispositions (convictions) under § 10-402 of the Courts and Judicial Proceedings Article in the District Court and 8 violations and 0 guilty dispositions in the State’s circuit courts. In fiscal 2023, there were 23 violations and 0 guilty dispositions in the District Court and 53 violations and 1 guilty disposition in the circuit courts.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 274 of 2024; HB 362 of 2023; and HB 272 and SB 324 of 2022.

Designated Cross File: HB 130 (Delegate Simpson) - Judiciary.

Information Source(s): 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 Legislative Services

Fiscal Note History: First Reader - January 15, 2025
km/aad

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