HB 172

Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 172 (Delegate Schindler, *et al.*)
Judiciary Judicial Proceedings

Municipalities - Enforcement Officers - Body-Worn Cameras

This bill authorizes a municipality to adopt an ordinance or a resolution authorizing an "enforcement officer" to use a body-worn camera (BWC) during the course of the enforcement officer's duties. A municipality that adopts such an ordinance or resolution must develop and publish a policy for the issuance and use of a BWC by an enforcement officer that is consistent with the policy published by the Maryland Police Training and Standards Commission (MPTSC) for the issuance and use of BWCs by law enforcement officers. A municipal enforcement officer is included within the definition of "law enforcement officer" for purposes of making it lawful for a municipal 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 under specified circumstances.

Fiscal Summary

State Effect: The bill's exception to wiretapping and electronic surveillance provisions is not expected to have a material operational or fiscal impact on the Judiciary. Otherwise, the bill only affects local government operations.

Local Effect: The bill's changes are not anticipated to materially affect local finances for the circuit courts. Authorizing a municipality to adopt an ordinance or resolution that authorizes the use of BWCs by enforcement officers does not directly affect local finances. However, to the extent a municipality chooses to adopt such an ordinance or resolution as a result of the bill, local expenditures may increase to develop and publish a policy for the issuance and use of BWCs and to obtain, implement, and use BWCs in a manner consistent with that policy. The extent to which municipalities that already use BWCs may be affected by the bill's provisions is unknown.

Small Business Effect: None.

Analysis

Bill Summary: "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.

Current Law:

Body-Worn Camera Policy: Chapters 128 and 129 of 2015 established the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers. Through the examination of model policies and discussion, the commission compiled a list of best practices for BWCs and submitted a report to the General Assembly and the Police Training Commission (now known as MPTSC) in September 2015. The commission's report addresses (1) procedures for testing and operating equipment, including when BWCs must be activated and when their use is prohibited; (2) notification responsibilities of law enforcement officers to individuals being recorded; (3) confidentiality and ownership of data; (4) procedures and requirements for data storage; (5) the review of recordings by parties in interest; and (6) the establishment of retention periods, the release of recordings as required by the Public Information Act, and the development of written policies for BWCs usage consistent with State law and regulations issued by MPTSC.

Pursuant to Chapters 128 and 129, MPTSC developed a policy for the issuance and use of BWCs by law enforcement officers, which incorporated the recommendations of the commission.

Body-Worn Cameras Required: Chapter 60 of 2021 required, by July 1, 2023, the Department of State Police, the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office to require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the agency's policy on the use of BWCs. By July 1, 2025, a law enforcement agency of a county not mentioned above was required to meet these same requirements.

A BWC that possesses the requisite technological capability must automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

A law enforcement agency subject to the BWC requirements must develop and maintain a written policy consistent with the policy published by MPTSC for the use of BWCs. The policy must specify which law enforcement officers employed by the law enforcement agency are required to use BWCs. A law enforcement agency may not negate or alter any

of the requirements or policies established in accordance with specified BWC-related provisions through collective bargaining.

Wiretap Act: Under Maryland's Wiretap Act, it is unlawful to willfully intercept any wire, oral, or electronic communication. Under the Wiretap Act, "intercept" is defined to mean the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device. However, statute does authorize the interception of an oral communication if all participants have given prior consent (sometimes called "two-party consent"). Maryland is 1 of 12 two-party consent states, most of which spell out clearly that the consent is required only in circumstances where there is a "reasonable expectation of privacy."

The Wiretap Act does provide specified exceptions. For example, the interception of an oral communication by a law enforcement officer or correctional officer in the course of the officer's regular duty is lawful if (1) the law enforcement officer or correctional officer is in uniform or prominently displaying the officer's badge or other insignia; (2) the law enforcement officer or correctional officer is making reasonable efforts to conform to standards for the use of a body-worn digital recording device or an electronic control device capable of recording video and oral communications; (3) the law enforcement officer or correctional officer is a party to the oral communication; (4) the law enforcement officer or correctional officer notifies, as soon as 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.

The failure of a law enforcement officer or correctional officer to provide notice, as specified, to an individual who is being recorded in accordance with the requirements for lawful interception of an oral communication with a body-worn digital recording device, does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined the discussion in progress for which proper notification was previously given.

Each interception in violation of the Wiretap Act may be prosecuted as a felony, punishable by up to five years imprisonment, and/or a $10,000 fine. A person who is the victim of a violation of the Wiretap Act has a civil cause of action against the wiretapper for damages, attorney's fees, and litigation costs.

A "body-worn digital recording device" means a device worn on the person of a law enforcement officer or correctional officer that is capable of recording video and intercepting oral communications. An "electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 748 of 2025.

Designated Cross File: None.

Information Source(s): Maryland Municipal League; cities of College Park and Frostburg; Department of Public Safety and Correctional Services; Department of Legislative Services

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