



St., Baltimore, MD 21201
800-492-1964
| tdd 410-539-3186

To: Members of The House Judiciary Committee and Senate Judicial Proceedings Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 1, 2021

Subject: **HB489 and SB440 – Wiretapping – Misconduct in Office**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB489 and SB440 – Wiretapping – Misconduct in Office.**

This bill adds Misconduct in Office to the list of offenses for which a law enforcement agency can petition a court for authorization to electronically record conversations through a wiretap.

Given the serious nature of the crimes covered by a charge of Misconduct in Office and the often-secret way in which those crimes are committed, which can make prosecutions difficult if not impossible, this is a useful change.

Currently, many of the prosecutions for these crimes must be handled in federal court, where similar restrictions on the use of a wiretap do not exist. This limits the number of prosecutions and effectively ties the hands of state and local prosecutors. This bill will help ensure that local and state prosecutors have the tool they need.

For the reasons stated, we **Support HB489 and SB440 – Wiretapping – Misconduct in Office.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at Richard@MSBA.org.