



BILL NO: Senate Bill 382
TITLE: Intercepted Communications - Admissibility of Evidence
COMMITTEE: Judicial Proceedings
HEARING DATE: February 10, 2022
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judiciary Committee to issue an unfavorable report on SB 382.**

Senate Bill 382 seeks to create exceptions in Maryland's wiretap statute that would allow unlawfully obtained evidence obtained in violation of state wiretap law be admissible in limited circumstances including cases that are crimes of violence, stalking, or violation of a protective order. This bill creates numerous quandaries for both victims and attorneys. For attorneys who learn of an unlawful but potentially admissible recording, what is their obligation to disclose as an officer of the court. Is the client subject to arrest for the unlawful recording? How should clients who are victims with a protective order be advised on whether to unlawfully record potential crimes of violence or violations of a protective order? For victims, are they subject to prosecution for felony wiretap violations if they provide an unlawfully obtained recording?

MNADV would welcome an opportunity to examine the wiretap statute in Maryland as a whole. Addressing finite aspects of the law and carving out exceptions could result in unintentional harm to victims of violence.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 382.**