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**To:** Members of The Senate Judicial Proceedings Committee

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

**Date:** February 4, 2022

**Subject:** **SB324 – Intercepted Communications - Penalty**

**Position:** **Support**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports SB324 – Intercepted Communications - Penalty.**

This bill simply changes the classification of the offense of illegal interception of a vocal communication from a felony to a misdemeanor.

This is a useful change in what is often call the “wiretap law,” but which has far broader application.

The Committee believes that the felony classification, if it does anything, impedes successful prosecution – especially for what might be considered minor offenses. This is backed up by the fiscal note that indicates there were no convictions for this offense.

The felony classification carries with it significant long-term, even life-long, consequences. These are frequently far in excess of any individual sentence that may be imposed and affect an individual’s ability to find housing and employment and even their immigration status. It is not justified in this case.

Given the stated penalties that remain, changing the classification should have no material impact on the ability of prosecutors to pursue worthwhile cases.

For the reasons stated, we **Support SB324 – Intercepted Communications - Penalty**

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](mailto:doyleniemann@verizon.net).