

REGIONAL MANAGEMENT INC.

REGIONAL MANAGEMENT, INC. TESTIMONY IN OPPOSITION TO SB 47 January 31, 2023

Regional Management, Inc, (RMI) is a property management company which has, for over 60 years, managed over 5,000 units of affordable, market rate, residential properties in Baltimore City and County. RMI is a founding member of the Maryland MultiHousing Association.

RMI OPPOSES SB 47, Evidence – Wiretapping and Electronic Surveillance – Fair Housing Testing which is an unprecedented departure of current Maryland Law regarding electronic and Wiretap surveillance.

- This Bill **for the first time** takes electronic surveillance out of the realm of criminal law enforcement and Maryland Court supervision and places such sensitive and confidential surveillance in the hands of “non- profit” investigators, who have no training in this field.
- This Bill skirts current law which specifies that Maryland’s law is intended “to prevent, **in non-criminal situations**, the unauthorized interception of conversations **where one of the parties has a reasonable expectation of privacy**”. *Bodoy v. N. Arundel Hosp.*, 945 F. Supp. 890, 899 (D. Md. 1996), *aff'd*, 112 F.3d 508 (4th Cir. 1997).
- Please refer to the attachment, reprinted from recordinglaw.com for a summary of Maryland’s recording laws and the very strict scrutiny with which this Legislature has tasked that these laws be implemented.

SB 47 seeks to take this narrowly drawn law, designed to protect our citizens’ privacy, whether they be human or corporate, and expand it into a realm which is a flagrant violation of their constitutional rights.

For these reasons Regional Management, Inc. **requests an UNFAVORABLE report.**

Katherine Kelly Howard, Esq.

General Counsel

A Growing Repository of Local Laws
United States Recording Laws
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Maryland Recording Law Summary:

Maryland's Wiretapping and Electronic Surveillance Act stipulates that it is a [two-party consent state](#). In this state, it is a criminal offense to tape-record a conversation without the consent of all involved parties. Md. Code Ann., Cts. & Jud. Proc. § 10-402. This means that in Maryland you are not legally allowed to record a conversation you are taking part in unless all parties are in agreement. It is also forbidden to record someone with criminal or torturous intentions, and consent cannot be legally given in such situations.

Personal Conversations:

You may not record conversations without the consent of all involved parties.

However, Maryland law does make an exception in cases where the person or people communicating are doing so in an environment where they should not be under the expectation of privacy. For example, it is legal to record someone in a neighboring apartment if you can clearly hear them through the walls.

Maryland Video Recording Laws

No person is allowed to install or influence another person to install a camera on real property where a private residence is located for the purpose of conducting intentional secret observation of an individual inside the private residence. For example, it is illegal to install or use a surveillance camera to observe your neighbor while that neighbor is inside his or her private residence or inside his or her real property. Md. Code Ann., Crim. Law § 3-903(c)

However according to the state's laws, the following are not prohibited:

- Installation of a camera by an adult resident of a private residence.
- Installation of a camera in real property without the intention to secretly observe an individual inside the private residence.
- Installation of a camera with the intention of secretly observing an individual inside a private residence after obtaining consent from an adult resident or guardian of an adult resident.
- Lawful observation by a law enforcement officer conducting official duties.
- Filming conducted by a person or member of the media through the use of a camera that is clearly visible.
- Filming of a private residence through the use of a camera that is not located in the real property where the private residence is located.

Md. Code Ann., Crim. Law § 3-903(b)

Penalties:

Md. Code Ann., Cts. & Jud. Proc. § 10-402(b): Breaking the wiretapping law is considered a felony, punishable by no more than five years of prison time and a fine of up to \$10,000.

Md. Code Ann., Crim. Law § 3-903(d): Breaking the hidden camera law is considered a misdemeanor, punishable by up to a year in jail or a fine of \$2,500, or both.

***About Recordinglaw.com**

RecordingLaw.com is a website updated annually with local and regional recording laws. We will be starting with the United States then expanding to the rest of the world as research time permits.

Our information is researched through both physical and on-line sources with everything going through a final editor approval.

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