

# **Senate Bill 754 Written Testimony 14 Mar 2023 for**

Uploaded by: Yosefi Seltzer

Position: FAV



DEPARTMENT OF THE ARMY  
US ARMY INSTALLATION MANAGEMENT COMMAND  
OFFICE OF THE STAFF JUDGE ADVOCATE  
4217 MORRISON STREET  
FORT GEORGE G. MEADE, MARYLAND 20755-5030

REPLY TO  
ATTENTION OF:

March 14, 2023

**HEARING TESTIMONY FOR SENATE BILL 754**

NOTE: This testimony is not intended as an official statement on behalf of the United States Army, the Department of Defense or the United States Government, but is limited to the personal opinions of the author.

**I am writing in support of Senate Bill 754**, entitled: "Maryland Wiretap and Electronic Surveillance Reform Workgroup". This bill will benefit victims of domestic violence, among others.

The Maryland Wiretap Act (MWA) was first codified in 1957 and despite sporadic updates through the years, most significantly in 1977, it has been outpaced by technological advances and public safety concerns that consequently result in outdated, ambiguous and unduly restrictive results. The drafters could not have contemplated the use of mobile and satellite telephones, ring doorbells, security cameras inside and outside of buildings, computer video conference and recording capabilities, Bluetooth devices, drones with cameras and recording devices that empower individuals to protect their personal safety, particularly in domestic violence situations. This creates uncertainty and confusion when law enforcement and citizens attempt to comply with the archaic statutory language that restricts individuals from recording due to the fact that the recurring term "intercept" is defined vaguely and broadly as: "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." Courts and Judicial Proceedings Md. Ann. Code Article, Section 10-401(10).

Making matters, worse, there are eleven (11) exceptions in Section 10-402 that authorize recordings, some of which include specific enumerated crimes that law enforcement must be investigating when making recordings; or when said recordings are made with "all-party consent" and it is not a criminal or tortious act.

Confusing matters further, Section 10-405 lists other exclusions that deem recordings legal if all these conditions are met:

- 1) when the recording is intercepted outside of Maryland;
- 2) in compliance with host state laws;
- 3) the recording consists of at least one party to the communication being outside Maryland during the communication;
- 4) the interception was not made as part of or in furtherance of an investigation conducted by or on behalf of Maryland law enforcement officials; **and**
- 5) all parties were co-conspirators in a crime of violence as defined in Section 14-101 of the Criminal Law Article.

Consequently, the Maryland Appellate Courts have had their hands tied when interpreting the rigid, broad restrictions contained in the MWA. This has resulted in unjust rulings such as in Seal v. Maryland, 447 Md. 64 (2016)(reversal of a conviction of a child sex offender due to the fact that the defendant's incriminating recorded statements were deemed inadmissible because they resulted from the rape victim not having acted "under the supervision" of a detective when the detective simply handed the victim a recorder, with no instructions or limitations, to take home to West Virginia and use at his pleasure to tape conversations with defendant) and Wood v. Maryland, 290 Md. 579 (1980)(the recording made by the Defendant of a government cooperating witness was inadmissible for impeachment purposes due to the fact that the MWA does not allow such evidence to be admitted).

Another problem created by the MWA is the incongruity between Maryland's all-party consent requirement and the federal and military rules of evidence which authorize one-party consent recordings: when federal and military prosecutors seek to introduce audio recordings prepared by witnesses in federal and military courts, these witnesses run the risk of potential Maryland prosecution for violating the MWA.

The rigidity of the MWA consistently creates significant difficulties for domestic violence survivors: under the current law, the current "all party consent" rule does not contain an exception for the victims to make audio recordings of their abusers without the abusers' consent. This is enormously exasperating considering that a victim seeking to record their abuser when both parties are physically present does not constitute eavesdropping, wiretapping nor interception of a telephonic conversation. Nonetheless, such evidence is not only inadmissible at protective order hearings or criminal prosecution of the abuser, but the victim could be charged with a felony for making the recording. By maintaining the all-party consent requirement in domestic violence cases, **the General Assembly has consistently disregarded the rulings in United States v. White, 401 U.S. 745 (1971) and Lopez v. United States, 373 U.S. 427, 438-439 (1963) that make clear there is no Fourth Amendment constitutional requirement that all parties must consent to these recordings:** the U.S. Supreme Court ruled that such recordings are legal under a "misplaced trust" theory. A criminal does not have a constitutional right to a reasonable expectation of privacy in conversations they voluntarily have with someone who was invited in by the criminal (no trespass or surreptitious entry) who unbeknownst to them is recording the conversation. The court added that for 4<sup>th</sup> amendment constitutional purposes, there is no difference between an agent instead of immediately reporting and transcribing her conversations with the defendant, either simultaneously recording them with electronic equipment she carries (cell phone) or transmitting the conversation to recording equipment located elsewhere or to other individuals monitoring the conversation. That's why the federal rules of evidence, military rules of evidence and the vast majority of states (35+ Washington, D.C.) deem these recordings legal and admissible without all-party consent.

**As well, in the Lopez case, the U.S. Supreme Court added that such audio recordings provide the most reliable evidence possible of the conversation and do not see nor hear more than the individual who was a party to the conversation.** The Court added that to bar the recording affords the defendant the right to rely on flaws in the witness' memory or to challenge their credibility without being beset by the corroborating evidence (recording). There is no other argument to exclude an accurate recorded version of a conversation that the witness can legally testify to from memory. Lopez at 439. The function of a criminal trial is to seek out and determine the truth or falsity of the charges brought against the defendant. Proper fulfillment of this function requires that, constitutional limitations aside, all relevant, competent evidence be admissible, unless the manner in which it has been obtained compels the formulation of a rule excluding its introduction in court. Lopez at 440.

The current all-party consent statutory requirement to make audio recordings in Maryland results in the automatic exclusion of evidence – **often, the best accurate evidence available in domestic violence cases** -- even if the proponent could otherwise meet all of the evidentiary admissibility requirements. Judges, Juries, Commissioners, Magistrates and Grand Juries are currently barred from hearing the recordings when they perform their duty to reach the truth and ensure justice. Not surprisingly, Maryland's protective order dismissal/denial rate in 2022 was 54.9% statewide due in part to the fact that domestic violence survivors were barred from introducing audio recordings to

corroborate their testimony. It goes without saying that without a protective order, these victims inevitably endure subsequent attacks by their abusers, often incurring greater injury and even death. When children in the households witness the ongoing violence, they become emotionally and psychologically scarred which often perpetuates the pattern of violence from generation to generation. Revisions to the MWA will also help to address elder abuse and neglect, human trafficking, child abuse, abuse of developmentally disabled individuals as well as exploitation of foreign-born Marylanders whose first language is not English.

Due to the fact that reform attempts have been unsuccessful for several years, it finally makes sense to gather experts on the subject and direct them to study **best practices** from other states as well as federal process and procedure. **The goal will be to reach consensus recommendations to modernize the MWA in light of rapidly evolving communication technological advances while also balancing privacy and justice considerations.** The workgroup has been carefully constructed to ensure broad representation from a wide variety of practitioners, evidence and privacy academics, prosecutors, defense attorneys, victim advocates, non-profit and private sector attorneys, judges, elected officials and other key stakeholders. One word of caution: any expansion or revision to the roster of participants should be cautiously considered to ensure a healthy balance of expertises and legal philosophies.

SB754 is a strong step in the right direction to modernize the MWA to ensure the best evidence is available for judges to consider while balancing modern communication technological advances, privacy and justice considerations.

Yosefi Seltzer  
Attorney Advisor  
301-677-9205  
Yosefi.M.Seltzer.civ@army.mil

**Fort George G. Meade, Maryland**, is an installation dedicated to providing quality support to service members, Department of Defense civilian employees, family members, and military retirees. Fort Meade strives to be the Nation's Preeminent Center for Information, Intelligence and Cyber.

Every day, more than 100,000 people seek the services Fort Meade offers. Its primary mission is to provide a wide range of services to more than 119 partner organizations from the Army, Navy, Air Force, Marines and Coast Guard, as well as to several federal agencies including the National Security Agency, Defense Media Activity, Defense Information Systems Agency, the Defense Courier Service and the U.S. Cyber Command.

The installation lies approximately five miles east of Interstate 95 and one-half mile east of the Baltimore-Washington Parkway, between Maryland State routes 175 and 198. Fort Meade is located near the communities of Odenton, Laurel, Columbia and Jessup, and is home to approximately 62,000 employees, both uniformed and civilian. Nearly 11,000 family members reside on-post. Fort Meade is Maryland's largest employer and is the second-largest workforce of any Army installation in the U.S. In response to the military's Base Realignment and Closure plan, construction of new facilities has now been completed for Defense Adjudication Activities, the Defense Information Systems Agency and the Defense Media Activity.

The **Legal Assistance Division** provides free legal services to Active-Duty service-members, retirees and dependents in a wide variety of areas including domestic relations, domestic violence, estate planning, consumer law, tax assistance, military administrative appeals and the like. The Fort Meade office was awarded the Army's Chief of Staff Award for excellence in Legal Assistance three of the last four years.

**Mr. Seltzer** served for more than four years on Active Duty at the Third Infantry Division (Mechanized) and the U.S. Army Legal Services Agency's Environmental Law Division of the Headquarters, Department of the Army. He served as a Legal Assistance Attorney at Fort Meade and Fort Belvoir, Virginia from 2008 to 2018, and as the Chief of Legal Assistance at Fort Meade from 2018 to 2021. He is a former federal and state prosecutor. Mr. Seltzer is licensed to practice law in Maryland, Washington, D.C., Georgia and New York. He is a member of the Maryland State Bar Association's Veteran's Affairs and Military Law Committee, is a graduate of the George Washington University (1993) and the University of Maryland School of Law (1999) and is a native of Silver Spring.

# **MCPA-MSA\_ SB-754-MD Wiretap and Electronic Surveil**

Uploaded by: Andrea Mansfield

Position: FWA



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 14, 2023

RE: **SB 754 – Maryland Wiretap and Electronic Surveillance Reform Workgroup**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 754 WITH AMENDMENTS. This bill establishes a Maryland Wiretap and Electronic Surveillance Reform Workgroup to study the effectiveness of these laws and various aspects of using this technology.

The workgroup includes a number of members from the state sphere but no representation from law enforcement agencies. MCPA and MSA, support the desire to improve the use of this technology and strongly urge the Committee to amend the bill to include one representative from each organization.

### Proposed Amendment

On page 1, in line 20, strike “and” insert the following:

(8) ONE MEMBER OF THE MARYLAND CHIEFS OF POLICE ASSOCIATION APPOINTED BY THE PRESIDENT OF THE ASSOCIATION;

(9) ONE MEMBER OF THE MARYLAND SHERIFFS ASSOCIATION APPOINTED BY THE PRESIDENT OF THE ASSOCIATION; AND

On page 2, in line 1, strike “(8)” and insert “(10).”

For these reasons, MCPA and MSA **SUPPORT SB 754** and urge a **FAVORABLE REPORT AS AMENDED.**

**2023-03-14 SB 754 (Support with Amendment).pdf**

Uploaded by: Hannibal Kemerer

Position: FWA



**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE McLAREN LANHAM**  
*Chief of Staff*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.  
(410) 576-7036

WRITER'S DIRECT DIAL NO.  
(410) 576-6584

March 14, 2023

**TO:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB 0754 – Maryland Wiretap and Electronic Surveillance Reform  
Workgroup (**Support with Amendment**)

---

The Office of the Attorney General (“OAG”) recommends a favorable with amendment report on Senate Bill 754. This bill, sponsored by Senator Folden, proposes a workgroup to examine Maryland’s wiretapping laws that would include the Attorney General, or his designee, and require the OAG to provide staff for the workgroup. Among other things, the bill would task the workgroup with “examin[ing] ways to make the use of audio and visual recordings from wiretapping and electronic surveillance more available to assist with the prevention of, and admissible for use in proceedings relating to, domestic violence, child abuse, and the abuse of the elderly and other vulnerable adults.”<sup>1</sup>

This task relates to concerns that the Department of Human Services has previously raised with our Office, because the current statute prohibits local departments of social services from considering and using essential evidence necessary to establish that children need the State’s assistance to assure their safety.

Maryland’s existing wiretapping law<sup>2</sup> “clearly and unambiguously prohibits all willful interceptions and endeavors to intercept any wire, oral, or electronic communication” without the consent of all participants to the communication.<sup>3</sup> Evidence obtained in violation of the statute may not be used in any trial or other proceeding, including administrative decisions made by any “department, officer, agency, regulatory body, legislative committee, or other authority of this State.”<sup>4</sup> This statute is extremely broad; it prohibits conduct that would otherwise be permissible

---

<sup>1</sup> S.B. 754 (Md. 2023), p 3, lines 1-4.

<sup>2</sup> MD. CODE, CTS. & JUD. PROC. § 10-402.

<sup>3</sup> *Holmes v. State*, 236 Md. App. 636, 655 (2018) (quoting *Standiford v. Standiford*, 89 Md. App. 326, 335 (1991)).

<sup>4</sup> MD. CODE, CTS. & JUD. PROC. § 10-405(a).

under the U.S. Constitution and the Maryland Declaration of Rights,<sup>5</sup> and is “more restrictive than the analogous federal statute and other state laws.”<sup>6</sup> Additionally, Maryland’s wiretapping law is exceptionally restrictive compared to most other states.<sup>7</sup>

For these reasons, the OAG supports the creation of a workgroup to seek out solutions to this restrictive statutory limitation. However, the OAG requests an amendment that the Attorney General, or his designee, serve as the chair, or may designate the chair, of the workgroup. Due to the OAG’s Organized Crime Unit’s specialized knowledge and expertise in wiretapping, the Attorney General (or his designee) is uniquely situated to lead the workgroup.

Therefore, the OAG urges a favorable with amendment report on Senate Bill 754.

cc: Members of the Judicial Proceedings Committee

---

<sup>5</sup> Derry v. State, 358 Md. 325, 342 (2000).

<sup>6</sup> Holmes, 236 Md. App. at 649-50.

<sup>7</sup> Forty-one states, plus the District of Columbia, permit recordings with the consent of any party to the communication. Of the remaining nine states, five permit the use of recordings in cases involving violent or sexual abuse, and another permits recordings made without the consent of all parties to be received non-criminal proceedings. Montana and New Hampshire are the only other states that maintain blanket prohibitions similar to those in Maryland on the use of recordings that contain evidence of abuse or neglect made without the consent of the alleged perpetrator.

**SB 754 - FWA - Women's Law Center of Maryland.pdf**

Uploaded by: Laure Ruth

Position: FWA

BILL NO: Senate Bill 754  
TITLE: Maryland Wiretap and Electronic Surveillance Reform Workgroup  
COMMITTEE: Judicial Proceedings  
HEARING DATE: March 14, 2023  
POSITION: SUPPORT WITH AMENDMENTS

---

Senate Bill 754 would create a workgroup to study Maryland's wiretapping and electronic surveillance laws including how audio and visual recordings can be used in proceedings related to domestic violence, child abuse, and the abuse of the elderly and other vulnerable adults. The workgroup will make recommendations on Maryland's wiretapping and electronic surveillance laws. The Women's Law Center (WLC) supports Senate Bill 754 because there are several bills that, in a piecemeal manner, are trying to address our wiretap laws, but we feel a broader look and overhaul is the best manner to address our current law.

We are asking this body to accept a friendly amendment to add to the membership of the workgroup some key stakeholders we feel are important to have at the table. Specifically, the WLC asks:

On page 2, lines 7-8, strike

(iv) one attorney licensed to practice in the State who specializes in family law;

Replace with: "ONE ATTORNEY LICENSED TO PRACTICE IN THE STATE WHO SPECIALIZES IN FAMILY LAW AND IS A REPRESENTATIVE OF THE MARYLAND STATE BAR ASSOCIATION FAMILY AND JUVENILE LAW SECTION;" AND

On page 2, lines 11-12, strike

(vi) one representative from a domestic violence prevention and advocacy program in the State;

Replace with: (vi) "THE EXECUTIVE DIRECTOR OF THE MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;"

add: "THE EXECUTIVE DIRECTOR OF THE MARYLAND COALITION AGAINST SEXUAL ASSAULT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE."

Maryland is one of eleven states that are "two-party" consent states and requires the consent of every party to a phone call or conversation to make the recording lawful. Currently, a violation of the wiretap law is a felony and subject to punishment including imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. The current bills are seeking to create exceptions for certain categories of people, but we prefer looking holistically to see if Maryland, as a policy matter, should remain a two-party consent state. Carve outs can cause unintended consequences, such as a savvy abuser manipulating audio (and video) to make it appear that the true victim is the abuser.

Therefore, the Women's Law Center of Maryland, Inc. strongly urges a favorable report with amendments on Senate Bill 754.

***The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.***

# **Wiretap workgroup - testimony - senate - 2023 - MC**

Uploaded by: Lisae C Jordan

Position: FWA



**Working to end sexual**

**violence in Maryland**

---

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
mcasa.org

**Testimony Supporting Senate Bill 754 with Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
March 14, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 754 with Amendments.

**Senate Bill 754 – Maryland Wiretap and Electronic Surveillance Reform Workgroup**

This bill will create a work group to examine the issues raised by current laws requiring two-party consent to record private conversations. In the era of cell phones, provisions of the code making taping of another without consent a felony are badly out of proportion. More importantly, these provisions are depriving our justice system of the best evidence available in many cases, including rape and sexual assault.

Other bills, including SB749, have suggested carve outs permitting taping of events related to certain crimes, including rape and sexual assault. MCASA believes there may be merit to this approach. We also appreciate the concerns raised by our sister coalition, the Maryland Network Against Domestic Violence, and so have refrained from supporting SB749 in hopes of resolving these issues. Addressing this issue is long overdue and we welcome a work group to create a comprehensive approach to addressing privacy and the need for best evidence.

MCASA supports creating a work group and asks for an amendment to add the Maryland Coalition Against Sexual Assault (MCASA) to the work group. MCASA is the federally recognized state sexual assault coalition, representing rape crisis centers, survivors, and others across the state. Our members provide support to survivors as they navigate the criminal justice system and can contribute expertise and a survivor-centered perspective. MCASA also joins our colleagues in suggesting including the family law bar and the domestic violence coalition.

Suggested Amendments:

On page 2, lines 7-8, strike

~~(iv) one attorney licensed to practice in the State who specializes in family law;~~

Replace with: **“ONE ATTORNEY LICENSED TO PRACTICE IN THE STATE WHO SPECIALIZES IN FAMILY LAW AND IS A REPRESENTATIVE OF THE MARYLAND STATE BAR ASSOCIATION FAMILY AND JUVENILE LAW SECTION;” AND**

On page 2, lines 11-12, strike

~~(vi) one representative from a domestic violence prevention and advocacy program in the State;~~

Replace with: **(vi) “THE EXECUTIVE DIRECTOR OF THE MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;”**

add: **“THE EXECUTIVE DIRECTOR OF THE MARYLAND COALITION AGAINST SEXUAL ASSAULT, OR THE EXECUTIVE DIRECTOR’S DESIGNEE.”**

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 754 with Amendments**

**SB 754\_MNADV\_FWA.pdf**

Uploaded by: Melanie Shapiro

Position: FWA





**BILL NO:** Senate Bill 754  
**TITLE:** Maryland Wiretap and Electronic Surveillance Reform Workgroup  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** March 14, 2023  
**POSITION:** **FAVORABLE WITH AMENDMENTS**

---

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 Judicial Proceedings Committee to issue a favorable report with amendments on SB 754.**

Senate Bill 754 would create a Workgroup to study Maryland’s wiretapping and electronic surveillance laws including how audio and visual recordings can be used in proceedings related to domestic violence, child abuse, and the abuse of the elderly and other vulnerable adults. The Workgroup will make recommendations on Maryland’s wiretapping and electronic surveillance laws.

MNADV requests the following amendments:  
On page 2, lines 7-8, strike

~~(iv) one attorney licensed to practice in the State who specializes in family law;~~

Replace with: **“ONE ATTORNEY LICENSED TO PRACTICE IN THE STATE WHO SPECIALIZES IN FAMILY LAW AND IS A REPRESENTATIVE OF THE MARYLAND STATE BAR ASSOCIATION FAMILY AND JUVENILE LAW SECTION;” AND**

On page 2, lines 11-12, strike

~~(vi) one representative from a domestic violence prevention and advocacy program in the State;~~

Replace with: **(vi) “THE EXECUTIVE DIRECTOR OF THE MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;”**

add: **“THE EXECUTIVE DIRECTOR OF THE MARYLAND COALITION AGAINST SEXUAL ASSAULT, OR THE EXECUTIVE DIRECTOR’S DESIGNEE.”**

---

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401  
Tel: 301-429-3601 ■ E-mail: [info@mnadv.org](mailto:info@mnadv.org) ■ Website: [www.mnadv.org](http://www.mnadv.org)



Maryland is one of eleven states that are “two-party” consent states and requires the consent of every party to a phone call or conversation to make the recording lawful. Currently, a violation of the wiretap law is a felony and subject to punishment including imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. 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 a **favorable report with amendments on SB 754.**

---

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401  
Tel: 301-429-3601 ■ E-mail: [info@mnadv.org](mailto:info@mnadv.org) ■ Website: [www.mnadv.org](http://www.mnadv.org)

# **SB0754 - MSBA Support with Amendment Letter (2023.**

Uploaded by: Shaoli Katana

Position: FWA



**MSBA Main Office**  
520 West Fayette Street  
Baltimore, MD 21201  
410-685-7878 | msba.org

**Annapolis Office**  
200 Duke of Gloucester Street  
Annapolis, MD 21401  
410-269-6464 | msba.org

## MEMORANDUM

To: Members of the Senate Judicial Proceedings Committee  
From: Maryland State Bar Association (MSBA), Shaoli Katana, Esq., Advocacy Director  
Subject: Senate Bill 754 - Maryland Wiretap and Electronic Surveillance Reform  
Workgroup  
Date: March 14, 2023  
Position: Support with Amendment

---

The Maryland State Bar Association (MSBA) supports **Senate Bill 754 - Maryland Wiretap and Electronic Surveillance Reform Workgroup**. SB754 establishes the Maryland Wiretap and Electronic Surveillance Reform Work Group to study the effectiveness of Maryland's wiretapping and electronic surveillance laws; and requires the Work Group to report its final findings and recommendations regarding revisions to Maryland's wiretapping and electronic surveillance laws to the Governor and General Assembly by December 1, 2024.

The MSBA represents more attorneys and judges than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland's legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

**The MSBA strongly supports the creation of this Task Force and requests that the bill be amended to include "At least two representatives from the Maryland State Bar Association, designed by the MSBA President."**

With membership of thousands of practitioners from over two dozen practice areas, including leading experts in the fields of criminal law, family law, business law, and privacy, the MSBA can provide valuable expertise to this Task Force.

For the reasons stated above, MSBA supports SB754 and respectfully requests a favorable report with proposed amendment. For additional information, please feel free to contact Shaoli Katana at MSBA at [shaoli@msba.org](mailto:shaoli@msba.org).