

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.