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February 21, 2024

TO: The Honorable Will Smith
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 610 - Crimes - Interception of Wire, Oral, or Electronic
Communications - Exception for Imminent Danger- **Support**

The Maryland Office of the Attorney General requests your favorable vote on Senate Bill 610.

Senate Bill 610 would allow for audio recording by someone who believes that they or another person are in "imminent danger of becoming the victim of" a crime of violence, stalking, abuse, or a violation of protective order. Currently, absent certain exceptions that apply to law enforcement only, a member of the public cannot record audio of another person without that other person's consent. If you record audio without consent, you are subject to a 5-year felony.

While prosecutions for unlawful wiretapping are rare, the other side of the coin is that recordings made in violation of the wiretap statute are generally not admissible in court, even if the person who did the recording isn't prosecuted. Concerns arise where those who are victims of crimes record (usually with their cell phones, which record audio and video) their abuser, and then are unable to use that recording in criminal or civil proceedings, such as divorce, custody,

protective order, or criminal cases that stem from that abuse. Senate Bill 610 helps victims seek justice against their abusers, allows these recordings to be used and prevents the victims from being prosecuted for making the recordings.

For the foregoing reasons, the Maryland Office of the Attorney General requests your favorable vote on Senate Bill 610.

cc: Judicial Proceedings Committee Members