



BILL NO: House Bill 290
TITLE: Crimes - Interception of Wire, Oral, or Electronic Communications -
Exception for Imminent Danger
COMMITTEE: Judiciary
HEARING DATE: January 30, 2024
POSITION: **Support with Amendment**

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 House Judiciary Committee to issue a favorable report with amendment on HB 290.**

Maryland 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.

HB 290 seeks to create exceptions to the existing wiretap law for certain offenses including when a person has a good faith belief that they are in imminent danger of becoming a victim of a crime of violence, stalking, abuse as defined in § 4-501 of the family law article, or a violation of a protective order. MNADV supports a victim's ability to use a recording of the violence they suffered.

MNADV suggests that the Public Safety Article definition of crimes of violence found in § 5-101(c) be used instead of the Criminal Law Article definition. The Public Safety Article definition includes assault in the second degree. Many victims of domestic violence are assaulted by their abusers, but it is not always recognized or even reported as domestic violence. Utilizing the Public Safety Article definition would ensure that any recording of an assault would be admissible.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendment on HB 290.**