



To: Members of The House Judiciary Committee  
From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section,  
Maryland State Bar Association  
Date: February 9, 2024  
Subject: **HB274 - Intercepted Communications - Penalty**  
Position: **SUPPORT**

---

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB274 - Intercepted Communications – Penalty.**

This bill will reduce the penalty for a violation of Section 10-402 of the Courts and Proceedings Article, which makes it a crime to intercept, disclose or use any wire, oral or electronic communication, a misdemeanor rather than a felony.

Maryland’s statute effectively prohibits one-party recording of almost any conversation. As such, it is much stricter than comparable federal legislation and those of many other states. While referred to as a “wiretap” law, the statute covers oral and electronic communications much more broadly. It is regularly violated by individuals in their daily lives – especially in an era where most citizens carry recording equipment with them at all times through their cell phones. The designation of a violation as a felony is far more harsh than appropriate.

As noted, all HB274 does is change the classification of a violation to a much more appropriate classification as a misdemeanor.

For the reasons stated, we **Support HB274 - Intercepted Communications – Penalty.**

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@gmail.com](mailto:doyleniemann@gmail.com).

Should you have other questions, please contact The MSBA’s Legislative Office at (410) 387-5606..