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DISTRICT COURT DIVISION
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CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

DATE: February 20, 2024

BILL NUMBER: SB 610

POSITION: Favorable

The Maryland State's Attorney's Association and the Frederick County State's Attorney's Office support SB 610.

SB 610 permits interception of communications if the person believes themselves or another are in imminent danger of becoming a victim of certain offenses. Currently, if an individual records communications during a crime involving themselves or another as the victim, they are subject to potential criminal prosecution and, further, that evidence is not permitted to be used in the prosecution of the case in which they are a victim.

Technology today permits an individual to record interactions with another person by simply pulling out a cell phone or other electronic recording device. During the commission of a crime, victims sometimes begin recording the abuse as a way to prove what happened to them. Unfortunately, that evidence is later unable to be used in a criminal prosecution even though it may be the best evidence that exists regarding the incident.

In Frederick County we have had several cases in which victims, their siblings, or a concerned member of the community recorded child abuse or domestic assault incidents. Unfortunately, due to the current statute some of these cases were unable to be charged, as the recorded evidence would be inadmissible in court. In other cases that were charged, we were unable to use the audio recorded evidence during the prosecution of those individuals.

Furthermore, not only is the recording unable to be used in the prosecution, that evidence cannot even be mentioned. For example, if the offender (or even victim) were to testify completely opposite of what is said in the recording, the fact finder would not be permitted to hear or even consider those inconsistent statements. Frequently, without these recordings, the evidence in these cases boils down to a he said/she said where the fact-finder is challenged with determining whose version of events they believe. Without allowing the fact-finder to consider all of the relevant evidence that exists in a case prior to making a determination of whether to convict or acquit an individual, they are unable to make a fully educated and informed decision.

SB 610 would provide the Court and/or jury with additional evidence during the fact-finding portion of a trial to assist in determining whether or not to convict an individual. For these reasons, the Maryland State's Attorney's Association and the Frederick County State's Attorney's Office request a favorable report on SB 610.

A handwritten signature in black ink, appearing to read 'L.M.C.', with a long horizontal flourish extending to the right.

Lindsey M. Carpenter
Chief, Special Victims Unit
Frederick County State's Attorney's Office