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DATE: January 26, 2024

BILL NUMBER: HB 290

POSITION: Favorable

The Maryland State's Attorney's Association and the Frederick County State's Attorney's Office support HB 290.

HB 290 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 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 that may be the best evidence that exists regarding the incident.

In Frederick County we have had several cases in which victims or a concerned member of the community recorded child abuse or domestic assault incidents. Unfortunately, due to the current statute we were unable to use this evidence during the prosecution of those individuals.

HB 290 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 requests a favorable report on HB 290.

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For Frederick County