



BILL NO: Senate Bill 61
TITLE: Wiretapping and Electronic Surveillance - Authorized Interception of Oral Communications - Cellular Telephones and Security Cameras
COMMITTEE: Judicial Proceedings
HEARING DATE: January 16, 2025
POSITION: **SUPPORT**

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 COMMITTEE to favorably report on SB61.**

Senate Bill 61 is one of several bills seeking to update and modify Maryland's' wiretap laws. The bill would allow a person may use a cell phone or other device to record audio in public if the speaker should reasonably know that the communication could be overheard or intercepted. In addition, if a person is in their home (as defined in the bill) it would not be a crime to record audio via security cameras such as Ring. Cell phones and security cameras, ubiquitous on today's world, would be able to be used legally in these circumstances. Our "wiretap laws" are not modernized for the world we live in today, with cell phones, Ring cameras at peoples' front doors, etc. In fact, we might all be recording audio that could expose us to a felony charge (and see companion bill SB 38, changing it from a felony to a misdemeanor). However, as drafted, SB 61 may not be construed to include use of a cell phone to record audio. The language of the bill suggests that only a security type product would be acceptable. Perhaps an amendment can clarify that it would included use of a cell phone to record if one is in one's own home.

We often recommend that victims of domestic violence install a Ring camera or similar product around their home. SB 61 makes it that audio recording by this type of technology on real property is allowable. If these safety measures provide audio evidence that can't be used in court and subjects the person making the recording to criminal charges, their value is greatly reduced (other than viewing cute wild animals in the dead of night).

We commend you to HB 314, as another attempt to allow probative evidence into a trial. Currently there is no cross-file.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401
Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org



While the legislature grapples with an overhaul of the wiretap laws, SB 61 will at least make these everyday occurrences no longer be criminal.

For the above stated reasons, the Maryland Network Against Domestic Violence urges a favorable report on SB61.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401
Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org