

BILL NO: Senate Bill 0061
TITLE: Authorized Interception of Oral Communications - Cellular Telephones and Security Cameras
COMMITTEE: Judicial Proceedings
HEARING DATE: January 16, 2025
POSITION: **SUPPORT**

SB0061 would establish two exceptions to Maryland's wiretap law (Section 10-402 of the Courts and Judicial Proceedings Article); it would deem lawful for a person to use a cellular telephone or another device to intercept an oral communication in public if the speaker should *reasonably anticipate* their oral communication *might be* overheard, and it establishes that it is lawful for a person to use a security camera or another device installed on or about certain real property to intercept an oral communication *on that property*.

Maryland is a "two-party" consent state, and any audio recording must be consented to by all involved in the recording. 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. The Women's Law Center supports this bill as it will recognize the ubiquity of cell phones and security cameras that often are used to record acts of abuse, but under current law are not allowed into evidence and are actually a felony.

Victims in domestic violence cases experience a variety of challenges when making decisions about testifying against their abusers. Some of those challenges are as a direct result of the abuser threatening the well-being of the victim. This bill will allow a holistic examination of personally recorded evidence, the admissibility of which would still be subject to the rules of evidence.

For these reasons the Women's Law Center of Maryland urges a favorable report on SB0061.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.