

Bill Number: SB 61
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 61
AUTHORIZED INTERCEPTION OF ORAL COMMUNICATION – CELLULAR
TELEPHONES AND SECURITY CAMERAS

I write in support of Senate Bill 61. For years I have attempted to amend or strike Courts and Judicial Proceeding Article (CJ) §10-406 Maryland's Wire Tap Statute.

Maryland is a two party consent state when it comes to the recording of oral communications especially through the telephone. Thirty-eight States are one party consent states that require only one party to a conversation to consent to the recording. Maryland has long had a statutory scheme in which law enforcement, under a judges supervision, are permitted to record telephone conversations when they have probable cause to believe telephones are being use to commit crimes.

Because CJ 10-406 is a vestige of the past, recording someone orally both over the telephone and in person has been labeled a felony punishable up to 5 years in jail. Recording visually has never been against the law.

In today's reality people record everything both visually and orally. Most people are unaware when they pull out their phones and hit camera/record they are breaking the law in Maryland.

SB 61 would legalize what everyone naturally does nowadays when they see an incident. Pull out their phone and record. That is what everyone in this modern age is used to and should we not make it the Law. In addition, what about Ring cameras. You install one that records sound and you are breaking the law.

SB 61 is a common sense change to a Law written decades ago.

I urge a favorable report.