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POSITION ON PROPOSED LEGISLATION

BILL: HB 130 – Intercepted Communications - Penalty

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 1/28/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on HB 130.

House Bill 130 amends Courts and Judicial Proceedings Section 10-402(a) to align the statute's intentions with current realities. When this statute was enacted in 2006, efforts to intercept wire, oral, and/or electronic communications between others were necessarily substantial. In today's world, intercepting such communications is frequently an instantaneous decision made with the click of a button on a cell phone. This behavior, though concerning, aligns with the nature of a misdemeanor—an offense carrying less serious consequences than a felony.

As the Committee is aware, a felony conviction comes with a litany of collateral consequences. These include limitations, if not outright prohibitions, on an individual's employment, housing options, and public benefits. Felony convictions impinge an individual's abilities to better themselves and to provide for their families, including attending higher education and obtaining professional licenses. Critically, felony convictions strip an individual of fundamental civil rights, including their ability to vote and their ability to serve on a jury. Simply put, these consequences no longer match the gravity of the offense contemplated by CJP § 10-402(a).

Furthermore, amending the statutory penalty from a felony to a misdemeanor would create dramatic savings in court time and costs by enabling alleged CJP § 10-402(a) offenses to be heard in the District Court, with its faster pace and streamlined procedures.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 130.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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