

BILL NO: House Bill 0314  
TITLE: Wiretapping and Electronic Surveillance - Intercepted Communications -  
Admissibility of Evidence  
COMMITTEE: Judiciary  
HEARING DATE: February 4, 2025  
POSITION: **SUPPORT**

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House Bill 0314 would repeal Section 10-405 (Courts and Judicial Proceedings) of the Annotated Code of Maryland by allowing exceptions to the statute prohibiting that any wire, oral, or electronic communication that has been intercepted be received in evidence in any trial, hearing, or other proceeding in or before any court or other authority of the State. It would allow admission into evidence intercepted communications offered as evidence of a material fact, as more probative than other sources that can be procured reasonably, that which will best serve the interest of justice, and more.

Maryland's current "two-party" consent rule often jeopardizes victims of abuse who must choose between being subjected to a felony or steamrolled in court. 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 only not permitted in court, but admission of which subjects victims to further harm including punishment of imprisonment for not more than 5 years or a fine of not more than \$10,000.

Victims in domestic violence cases experience a variety of challenges when making decisions about testifying against their abusers. The current law is a barrier to justice and deprives courts of crucial evidence. 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 HB0314.

*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.*