



Domestic Violence Legal Clinic

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Bill No.: House Bill 314
Bill Title: Wiretapping and Electronic Surveillance – Intercepted
Communications – Admissibility of Evidence
Committee: Judiciary
Hearing Date: February 4, 2025
Position: **FAV**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. House Bill 314 would provide for admissibility of certain intercepted communications. **We urge the House Judiciary Committee to favorably report on House Bill 314.**

Under current law, audio recordings are not admissible at trial. House Bill 314 would provide for admission of certain audio recordings and other intercepted communication if the court determines that the content of the communication is offered as a material fact; the interception was not made as part of a law enforcement investigation; the content of the communication is more probative on the point for which it is offered than any other evidence the proponent can reasonably procure; it is in the interests of justice to admit the communication; and, the proponent of the evidence provides sufficient notice to the adverse party.

Victims of domestic violence often have audio recordings which evidence an incident of abuse. Some victims manage to obtain recordings of their own assault, but are prevented from introducing them into evidence and therefore are unsuccessful in pursuit of a protective order or criminal prosecution against their abusers. House Bill 314 would allow for admissibility of these and other types of recordings as long as they fit the criteria set forth in the statute.

HB 314 does not abrogate the crime of violating Maryland's wiretap statute. We suggest that HB 314 be considered together with HB 130, which would change the crime of violation of the wiretap statute from a felony to a misdemeanor.

The House of Ruth urges the House Judiciary Committee to report favorably on House Bill 314.