

KAREN SIMPSON
Legislative District 3
Frederick County

Judiciary Committee



The Maryland House of Delegates
6 Bladen Street, Room 221
Annapolis, Maryland 21401
410-841-3436
800-492-7122 Ext. 3436
Karen.Simpson@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Favorable: HB 130 – Intercepted Communications – Penalty

Hearing on 1/28/2025 at 1:00pm

To: Chair Clippinger, Vice Chair Bartlett and my Fellow Members of the Judiciary Committee

HB 130 – Intercepted Communications – Penalty will reclassify the all-party consent law for audio recordings violation from a felony to a misdemeanor. Maryland would still be a two-party consent state; however, this bill is a small step in reducing the challenges a victim of a violent crime, including a sex crime, faces when they record the crime to document what occurred.

This bill was introduced in 2022 and passed the house in the same posture in 2022, 2023, and 2024.

Under current law, violators are guilty of a felony, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine. The bill reclassifies this offense as a misdemeanor but does not otherwise alter the maximum term of imprisonment or monetary penalty.

Maryland will remain a two-party consent state; this bill is a small step forward in reducing the challenges that victims of violent crimes – including sex crimes – face. Victims who record a crime hoping to document what occurred can currently be held liable for committing a felony, a charge that strongly dissuades victims from presenting pivotal evidence in cases where evidence may already be in short supply. This often results in further complications to an already complex process, hindering the process of obtaining justice for victims.

Under the existing all-party consent law, many citizens have unintentionally committed felony offenses by using their cellular devices to record audio.

There is a disproportionality between the charge of a felony and the act of recording audio without the knowledge of all parties present. Individuals charged with a felony often have difficulties acquiring housing, receiving student loan assistance, and finding employment – an extreme punishment for an act most individuals have committed in their lifetime. Reducing this charge to a misdemeanor would begin to bridge the gap between the law and present-day customs.

In conclusion, I respectfully request a favorable report for HB 130 – Intercepted Communications – Penalty to modernize existing all-party consent law and reduce challenges for victims of violent crimes. Thank you for your attention and consideration.