



BILL NO: Senate Bill 661
TITLE: Wiretapping and Electronic Surveillance - Intercepted Communications - Admissibility of Evidence
COMMITTEE: Judicial Proceedings
HEARING DATE: February 24, 2026
POSITION: **FAVORABLE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that works to lead diverse community partners toward the common purpose of reducing the occurrence and impact of intimate partner violence. **MNADV urges the Senate Judiciary Committee to issue a favorable report on SB 661.**

Senate Bill 661 would mirror existing language in our evidence laws to allow audio recorded evidence to be introduced at trial. The language of the bill takes from the “catch-all” hearsay exception rule. The evidence could be admitted if the court determines that: the contents of the communication and evidence derived from the communication are offered as evidence of a material fact; the interception was not made as part of a law enforcement investigation; the contents of the communication are more probative on the point for which they are offered than any other evidence the proponent can obtain through reasonable efforts and the interests of justice will be served by admitting the evidence. *This would apply in criminal cases as well as in a hate crime case*, in either district or circuit court.

The fact that audio is recorded gives this type of evidence increased indicia of reliability than testimony by one party of a “statement against interest” by the other party, with no other objective evidence that that statement was actually made. It is illogical that our current wiretap laws prohibit courts from hearing this evidence, which is often incontrovertible. In domestic violence and sexual assault cases, we often have clients with this type of evidence – they have recorded their own assault – and it is currently inadmissible. That is hard for survivors to understand and is devastating to them. It is made more illogical and harder to explain when they are informed that video is allowed to come in (although if the audio and visual can’t be separated, it can’t be used).

SB 661 does not abrogate the crime of violating our wiretap laws. **We suggest SB 661 be considered at least with the bill (SB 680) that would change the crime from a felony to a misdemeanor**, or to create a narrow exception to the wiretap crime for this type of evidence.

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Senate Bill 661 is an attempt to get relevant evidence in front of the fact-finder, which would in turn increase safety for survivors of domestic violence. For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 661.**

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