

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 688
TITLE: Intercepted Communications - Penalty
COMMITTEE: Judiciary
HEARING DATE: February 24, 2026
POSITION: **INFORMATION**

The Human Trafficking Prevention Project (“HTPP”) is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief. The HTPP respectfully provide this **INFORMATION** to the Judiciary Committee on House Bill 688.

Maryland requires the consent of every party to a phone call, video with audio, or conversation to make a recording lawful. Currently, a violation of the wiretap law is a felony and subject to punishment including imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. **House Bill 688 would reclassify a violation of the wiretap law from a felony to a misdemeanor.**

While the HTPP, like our fellow crime victims’ rights organizations, supports a victim’s ability to use a recording of the violence they suffered in court proceedings. Under § 10–402 of the Cts. & Jud. Proc. Article, it is currently a felony for a crime victim to record and document the abuse and violence they experienced and use it to obtain relief from the courts. Far too often people who have experienced human trafficking, domestic violence or sexual assault are told that they cannot use an audio recording of the violence that has been committed against them, lest they be charged with a felony offense. And, perhaps even worse, although they have incontrovertible evidence of the assault that was perpetrated by their abuser, they cannot use it as evidence in court.

However, HB 688 does not go far enough to protect victims of crime, as it would merely change the classification of the crime from a felony to a misdemeanor, with no change in penalty or statute of limitations. This legislation also does nothing to prevent the cycle of criminalization that follows any arrest/conviction, one that is incredibly destructive to crime victims, often resulting in fewer options for them to escape their abusers and/or that puts them at increased risk of additional victimization, [given the impact that criminal records have on an individual’s ability to obtain safe housing and gainful employment](#). Additionally, it is incontrovertible that perpetrators of abuse routinely use the law as a method of coercive control against their victims; continuing to make it a crime for victims to record their abuse leaves open an additional path through which perpetrators may exploit and control their victims.

Survival Should Not Be Criminalized.

The HTPP recognizes how victims can suffer abuses on *both sides* of the system; therefore, we strongly encourage lawmakers and advocates to come together to consider how best to ensure that victims do not have to choose between attempting to obtain justice for themselves against their perpetrator while at the same time risking becoming a defendant in a criminal or civil case stemming from the same incident of abuse.¹ To force them to make such a choice is not justice at all; it is continued abuse, this time by the system that allegedly exists to protect them.

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***For more information, please contact:
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¹ We direct the Committee's attention to [SB610/HB290](#) from 2024, which would have established an exception to the current two-party system if a person had a good faith belief that they were in imminent danger of becoming the victim of a crime of violence, stalking, or abuse, or that a protection order in which they were the petitioner was about to be violated.