
BILL NO: Senate Bill 0661
TITLE: Wiretapping and Electronic Surveillance – Intercepted Communications – Admissibility of Evidence
COMMITTEE: Judiciary
HEARING DATE: March 31, 2026
POSITION: **SUPPORT WITH AMENDMENTS**

The Women’s Law Center of Maryland is dedicated to ensuring the physical safety, economic security, and bodily autonomy of women throughout the State. Through direct legal services, policy advocacy, and education, we represent survivors of intimate partner violence in courts across Maryland. The clients we serve have experienced profound abuse and face significant barriers when seeking safety and justice. As a nonprofit organization providing direct legal services to survivors of intimate partner violence, we see firsthand the challenges survivors face in both criminal and civil proceedings. For these reasons, the Women’s Law Center of Maryland respectfully urges the House Judiciary Committee to issue a favorable report on SB661 with an amendment clarifying that the evidence be admissible in both **criminal and civil trials**.

SB661 would repeal Section 10-405 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland and permit the admission of certain wire, oral, or electronic communications that have been intercepted. Under the bill, the contents of the communication—and any evidence derived from it—may be admitted in a criminal or civil trial or hearing in the District or Circuit Court if the trial judge determines that the communication is offered as evidence of a material fact. The interception may not be part of or in furtherance of a law enforcement investigation. The court must also find that the communication and any derived evidence are more probative on the point for which they are offered than any other evidence reasonably available to the proponent. In addition, the party seeking to introduce the communication must provide advance notice to the opposing party before trial.

Survivors of intimate partner violence frequently possess audio or video recordings documenting threats, assaults, or other abusive conduct. In today’s world, cell phones, doorbell cameras, and other security devices routinely capture evidence of abuse. Yet under current Maryland law, survivors who record their own abuse risk criminal prosecution, including felony charges punishable by up to five years’ imprisonment and a \$10,000 fine. At the same time, courts are deprived of critical, often highly reliable evidence.

Survivors already face tremendous obstacles when deciding whether to testify against an abusive partner. Fear of retaliation, financial dependence, immigration concerns, and trauma all weigh heavily on that decision. The current wiretap statute compounds those challenges by discouraging survivors from preserving evidence and by excluding highly probative recordings that may corroborate their testimony. This barrier undermines access to justice and impedes courts from considering the full picture of abuse.

SB661 reflects a thoughtful and measured approach. It does not create a blanket rule of admissibility. Rather, it requires judicial findings regarding materiality and probative value, and it preserves the application of the Maryland Rules of Evidence. By allowing courts to evaluate personally recorded evidence within established evidentiary safeguards, the bill strikes an appropriate balance between privacy concerns and the urgent need to protect survivors.

We also respectfully ask the Committee to consider HB688, which would reclassify violations of the wiretap statute from a felony to a misdemeanor. Reducing the severity of the penalty would further mitigate the disproportionate harm faced by survivors who record abuse in an effort to protect themselves.

For these reasons, the Women’s Law Center of Maryland urges the House Judiciary Committee to issue a favorable report on SB661 with amendments.