

Ivan Bates
President



Kirsten N. Brown
Coordinator

Maryland State's Attorneys' Association
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043
kbrown@mdsaa.org ~ 301-748-1312

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The Honorable Sandy Bartlett
Chair, House Judiciary Committee
6 Bladen Street
Annapolis, MD 21401

Dear Chair Bartlett and Committee Members:

We write on behalf of the Maryland State's Attorney's Association in support of SB661—Criminal Law—Wiretapping and Electronic Surveillance—Intercepted Communications—Admissibility of Evidence. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and co-chair, along with Joyce King, Deputy State's Attorney for Frederick County, of the MSAA Special Victims Legislative Subcommittee.

Senate Bill 661 will open a path to justice for victims of crime by creating a legal pathway for the admissibility of evidence that currently violates the wiretap law. Specifically, SB661 amends Section 10-402 of the Courts and Judicial Proceeding Article to allow for the admissibility of a wire, oral, or electronic communication that is a recording or a part of recording of the commission (or attempted commission) of murder, rape, or a domestically related assault in the first degree. The law also provides an affirmative defense if a person intercepts a communication if they reasonably believed they were in imminent danger of becoming a victim of one of those crimes.

We can point to many cases where this law would make a difference. In one case, an assistant in an in-home daycare secretly recording the day care provider assaulting the children in her care. On the audio recording, the children and the offender were screaming at each other. In a rape case, a victim secretly recorded the offender raping her by hitting record on her phone and hiding her phone on the side of the bed. Under the current law, neither of those recordings are admissible and expose the victims to criminal liability for making them.

We urge this committee to promote justice for victims of crime by supporting SB661.

Sincerely,

Debbie Feinstein
Debbie Feinstein
Montgomery County State's Attorney's Office

Joyce King
Joyce King
Frederick County State's Attorney's Office