



violence in Maryland

Working to end sexual

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Testimony Supporting Senate Bill 661
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on Senate Bill 661

Senate Bill 661 – Very Narrow Exceptions to Allow Admission of Evidence When Victims Record Crimes of Murder, Rape, or Domestically-Related First Degree Assault

Maryland currently requires all parties to an audio recording (but not a video recording) to consent to the recording. Recordings obtained in violation of this law prevents admission of the recording into evidence. MCASA and its members have encountered multiple cases – including rapes – where recordings of the crime can not be used as evidence.

This bill was significantly narrowed by the Senate to permit admission of evidence of a small but important group of crimes: murder, rape in any degree, or domestically related assault in the first degree. In this small group of crimes judges would be permitted to admit audio recordings of the crime and victims could not be prosecuted for violation of the wiretap law. Defendants would also be provided with an affirmative defense to a wiretap prosecution if they believed they were at imminent risk of one of those crimes.

While the extremely narrow nature of this bill causes concern, this is an important step forward. There have been cases where rape survivors have recorded the crime and the recording was inadmissible. In the era of ubiquitous cell phones, the provisions of the code making taping of another without consent are depriving our justice system of the best evidence available in rape cases. This bill would continue to protect privacy and allow reasonable exceptions to the wiretap law to serve the interests of justice.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to report favorably on Senate Bill 661**