

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
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P: (410) 260-1560

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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 802
Wiretapping and Electronic Surveillance – Intercepted
Communications – Admissibility of Evidence
DATE: February 11, 2026
(2/24)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

The Judiciary only writes to note that under the bill, intercepted communications would be admissible, but under the existing Wiretap Act, Courts and Judicial Proceedings Article § 10-402, it would still be unlawful to intercept such communications absent two-party consent. This statutory conflict could affect litigants' penal interests during proceedings and may be worth consideration by the Committee.

cc. Hon. J. Sandy Bartlett
Judicial Council
Legislative Committee
Kelley O'Connor