

# HOUSE BILL 1452

D3, N1

0lr3472

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By: **Delegate McConkey**

Introduced and read first time: February 25, 2010

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Public Auction – Electronic Interception of Oral Communication**

3 FOR the purpose of making it lawful for a certain record owner of residential property  
4 that is being sold at a public foreclosure sale conducted by a court appointed  
5 trustee to use an electronic device to intercept, record, or use the contents of a  
6 public oral communication of the trustee during the sale in order to preserve a  
7 record of the sale for certain purposes; providing for the application of this Act;  
8 and generally relating to the electronic interception of oral communication in  
9 the course of a public auction of foreclosed residential property.

10 BY repealing and reenacting, without amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 10–402(a)  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2009 Supplement)

15 BY adding to  
16 Article – Courts and Judicial Proceedings  
17 Section 10–402(c)(11)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Courts and Judicial Proceedings**

23 10–402.

24 (a) Except as otherwise specifically provided in this subtitle it is unlawful for  
25 any person to:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1) Willfully intercept, endeavor to intercept, or procure any other  
2 person to intercept or endeavor to intercept, any wire, oral, or electronic  
3 communication;

4           (2) Willfully disclose, or endeavor to disclose, to any other person the  
5 contents of any wire, oral, or electronic communication, knowing or having reason to  
6 know that the information was obtained through the interception of a wire, oral, or  
7 electronic communication in violation of this subtitle; or

8           (3) Willfully use, or endeavor to use, the contents of any wire, oral, or  
9 electronic communication, knowing or having reason to know that the information was  
10 obtained through the interception of a wire, oral, or electronic communication in  
11 violation of this subtitle.

12           (c) **(11) DURING A PUBLIC FORECLOSURE SALE FOR RESIDENTIAL**  
13 **PROPERTY, IT IS LAWFUL UNDER THIS SUBTITLE FOR A PERSON TO USE AN**  
14 **ELECTRONIC DEVICE TO INTERCEPT, RECORD, OR USE THE CONTENTS OF A**  
15 **PUBLIC ORAL COMMUNICATION OF A TRUSTEE APPOINTED BY THE COURT TO**  
16 **CONDUCT THE SALE IF:**

17                   **(I) THE PERSON IS THE RECORD OWNER OF THE**  
18 **RESIDENTIAL PROPERTY;**

19                   **(II) THE PERSON IS ACTING FOR THE PURPOSE OF**  
20 **ENSURING THAT THE PUBLIC SALE FOLLOWS THE REQUIREMENTS OF TITLE 7**  
21 **OF THE REAL PROPERTY ARTICLE AND OF THE MARYLAND RULES; AND**

22                   **(III) THE PERSON IS ACTING FOR THE PURPOSE OF**  
23 **PRESERVING A RECORD OF THE PUBLIC SALE IN ORDER TO FILE ANY**  
24 **EXCEPTIONS TO THE SALE AS PROVIDED IN THE MARYLAND RULES.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2010, and apply to any public foreclosure sale of residential property that is  
27 conducted on or after the effective date of this Act.