

SENATE BILL 61

E2

5lr1285

(PRE-FILED)

By: **Senator West**

Requested: October 21, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Wiretapping and Electronic Surveillance – Authorized Interception of Oral**
3 **Communications – Cellular Telephones and Security Cameras**

4 FOR the purpose of establishing that it is lawful for a person to use a cellular telephone or
5 another device to intercept an oral communication in public if the speaker should
6 reasonably anticipate that the oral communication would be overheard or
7 intercepted; establishing that it is lawful for a person to use a security camera or
8 another device installed on or about certain real property to intercept an oral
9 communication on the property; and generally relating to the interception of oral
10 communications.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 10–402(a) and (b)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2024 Supplement)

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 10–402(c)(12) and (13)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2024 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 10–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

13 (b) Any person who violates subsection (a) of this section is guilty of a felony and
14 is subject to imprisonment for not more than 5 years or a fine of not more than \$10,000, or
15 both.

16 (c) **(12) IT IS LAWFUL UNDER THIS SUBTITLE FOR A PERSON TO USE A**
17 **CELLULAR TELEPHONE OR ANOTHER DEVICE TO INTERCEPT AN ORAL**
18 **COMMUNICATION IN PUBLIC IF THE SPEAKER SHOULD REASONABLY ANTICIPATE**
19 **THAT THE ORAL COMMUNICATION COULD BE OVERHEARD OR INTERCEPTED.**

20 **(13) IT IS LAWFUL UNDER THIS SUBTITLE FOR A PERSON TO USE A**
21 **SECURITY CAMERA OR ANOTHER DEVICE INSTALLED ON OR ABOUT REAL PROPERTY**
22 **OWNED, LEASED, OR OTHERWISE LAWFULLY CONTROLLED BY THE PERSON TO**
23 **INTERCEPT AN ORAL COMMUNICATION ON THE PROPERTY.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2025.