

HOUSE BILL 290

E2
HB 714/23 – JUD

4lr1105
CF SB 610

By: **Delegates Grammer and Bartlett**

Introduced and read first time: January 12, 2024

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Interception of Wire, Oral, or Electronic Communications**
3 **– Exception for Imminent Danger**

4 FOR the purpose of authorizing a person to intercept a wire, oral, or electronic
5 communication if the person has a good faith belief that the person, or another
6 person, is in imminent danger of becoming the victim of a certain crime; and
7 generally relating to interception of wire, oral, or electronic communications.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 10–402(a) and (b)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2023 Supplement)

13 BY adding to
14 Article – Courts and Judicial Proceedings
15 Section 10–402(c)(12)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2023 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-402.

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

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

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

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

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

17 (c) **(12) IT IS LAWFUL UNDER THIS SUBTITLE FOR A PERSON TO**
18 **INTERCEPT A WIRE, ORAL, OR ELECTRONIC COMMUNICATION IF THE PERSON HAS A**
19 **GOOD FAITH BELIEF THAT THE PERSON INTERCEPTING THE COMMUNICATION, OR**
20 **ANOTHER PERSON, IS IN IMMINENT DANGER OF BECOMING THE VICTIM OF:**

21 (i) **A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE**
22 **CRIMINAL LAW ARTICLE;**

23 (ii) **STALKING UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE;**

24 (iii) **ABUSE, AS DEFINED IN § 4-501 OF THE FAMILY LAW**
25 **ARTICLE; OR**

26 (iv) **A VIOLATION OF A PROTECTIVE ORDER UNDER § 4-509 OF**
27 **THE FAMILY LAW ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2024.