

HOUSE BILL 706

E2
HB 274/24 – JUD

5lr0954

By: **Delegate Grammer**
Introduced and read first time: January 24, 2025
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Intercepted Communications – Statute of Limitations and Penalties**

3 FOR the purpose of altering the statute of limitations applicable to a certain offense
4 relating to the prohibition against intercepting and disclosing any wire, oral, or
5 electronic communications and reclassifying the offense as a misdemeanor instead
6 of a felony; providing that certain provisions do not limit the amount of restitution
7 that may be ordered for a certain violation; and generally relating to intercepted
8 communications.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–106(a) and (b) and 10–402(a)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 BY adding to
15 Article – Courts and Judicial Proceedings
16 Section 5–106(jj)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 10–402(b)
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2024 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 5–106.

2 (a) Except as provided by this section, § 1–303 of the Environment Article, and §
3 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be
4 instituted within 1 year after the offense was committed.

5 (b) Notwithstanding § 9–103(a)(3) of the Correctional Services Article or any
6 other provision of the Code, if a statute provides that a misdemeanor is punishable by
7 imprisonment in the penitentiary or that a person is subject to this subsection:

8 (1) The State may institute a prosecution for the misdemeanor at any time;
9 and

10 (2) For purposes of the Maryland Constitution, the person:

11 (i) Shall be deemed to have committed a misdemeanor whose
12 punishment is confinement in the penitentiary; and

13 (ii) May reserve a point or question for in banc review as provided
14 under Article IV, § 22 of the Maryland Constitution.

15 **(JJ) A CRIMINAL PROSECUTION OR SUIT FOR A CIVIL PENALTY FOR AN**
16 **OFFENSE UNDER § 10–402(A) OF THIS ARTICLE SHALL BE INSTITUTED WITHIN 5**
17 **YEARS AFTER THE OFFENSE WAS COMMITTED.**

18 10–402.

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

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

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

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

31 (b) **(1)** Any person who violates subsection (a) of this section is guilty of a
32 **[felony] MISDEMEANOR** and is subject to imprisonment for not more than 5 years or a fine
33 of not more than \$10,000, or both.

1 **(2) TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE**
2 **MAY NOT BE CONSTRUED TO LIMIT THE AMOUNT OF RESTITUTION ORDERED TO BE**
3 **PAID TO A VICTIM OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION.**

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