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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 8, 2022

Judicial Proceedings Committee

Sponsor Testimony - FAVORABLE - SB 375 – Crimes – Interception of
Wire, Oral, or Electronic Communications – Exception for Imminent Danger

SB 375 is a public safety measure to correct an imbalance in Maryland’s ability to protect vulnerable victims of serious crimes. The two party consent law at its worst empowers abusers to not only abuse with impunity, but re-victimizes those seeking help. Recording stalking, a violation of a protective order, or a crime of violence under 14-101, should not itself be a crime at all. My other 2 party consent bill you will hear today, SB 324 is a simple bill to lower the penalty for everyone who violates 2 party consent, but this legislation (SB 375) carves out an exception to these specific victims or reasonably imminent victims of these serious crimes.

We have an All-star group of witnesses today, representing victims of domestic violence, the prosecutors, and civil law academics, like the esteemed Professor John Myers who is a leading national expert on this issue and family matters more broadly. This bill is not just about criminal law, but certainly we should all agree that protecting yourself though recording a “private” conversation that is simultaneously a crime against you is justified, and it should be under our laws. That evidence should be admissible in civil proceedings – and as we will discuss in a subsequent bill in this space, there should be a balancing test whether it is allowed as criminal evidence (SB 382). This legislation is a simple exception to the 2 party consent law, which most of the states that have 2 party consent have already created, and much more broadly to include all emergency scenarios.

To fight crime, we need the tools to catch criminals, and most importantly, protect victims. This is an important tool to achieve justice when the status quo has not caught up to the realities of our technological advances. Our efforts to protect victims of

serious crimes must rise to the level of seriousness it deserves, and we must be able to fight back against technological exploitation with technological tools for victims. We must not only use technologies to protect victims, and not allow criminals to use it as a tool of submission, but also decriminalize common sense protection measures, such as recording your own abuse. To do less, is legislative neglect.

For these reasons, I respectfully request a favorable report on SB 375.