

# HOUSE BILL 362

E2  
HB 272/22 – JUD

3lr0456  
CF 3lr0458

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By: **Delegates Simpson, Acevero, Amprey, Bartlett, Boyce, Bridges, Crutchfield, Lopez, McCaskill, Mireku–North, Ruth, Shetty, Smith, and Stewart**

Introduced and read first time: January 26, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Intercepted Communications – Penalty**

3 FOR the purpose of reclassifying, as a misdemeanor instead of a felony, a certain offense  
4 relating to the prohibition against intercepting and disclosing any wire, oral, or  
5 electronic communications; and generally relating to intercepted communications.

6 BY repealing and reenacting, without amendments,  
7 Article – Courts and Judicial Proceedings  
8 Section 10–402(a)  
9 Annotated Code of Maryland  
10 (2020 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 10–402(b)  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2022 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 10–402.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2023.