

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 688  
Judiciary

(Delegate Simpson)

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**Intercepted Communications - Penalty**

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This bill reclassifies a violation of § 10-402(a) of the Courts and Judicial Proceedings Article (intercepted communications) from a felony to a misdemeanor.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill is not expected to materially affect local finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary/Current Law:** Under current law, except as otherwise provided in statute, it is unlawful for a person to:

- willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept a wire, oral, or electronic communication;
- willfully disclose, or endeavor to disclose, to any other person the contents of a wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through an illegal intercept; or
- willfully use, or endeavor to use, the contents of a wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through an illegal intercept.

Under current law, violators are guilty of a felony, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine. The bill reclassifies this offense as a misdemeanor but does not otherwise alter the maximum term of imprisonment or monetary penalty.

**Additional Comments:** The Judiciary advises that, in fiscal 2025, there were 25 violations (charges) and 0 guilty dispositions (convictions) under § 10-402 of the Courts and Judicial Proceedings Article in the District Court and 6 violations and 13 guilty dispositions in the State's circuit courts. In fiscal 2024, there were 55 violations and 0 guilty dispositions in the District Court and 15 violations and 0 guilty dispositions in the circuit courts.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 38 and HB 130 (first reader) of 2025; HB 274 of 2024; and HB 362 of 2023.

**Designated Cross File:** SB 680 (Senator West) - Judicial Proceedings.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2026  
caw/aad

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Analysis by: Ralph W. Kettell

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510