

SENATE BILL 124

E2
SB 878/07 – JPR

8lr0636

By: **Senators Brochin and Stone**
Introduced and read first time: January 18, 2008
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 10, 2008

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Lawful Interception of Communications – Additional Crimes**

3 FOR the purpose of adding the commission of assault in the first degree and the
4 attempt to commit certain offenses to the offenses for which it is lawful under
5 certain circumstances for an investigative or law enforcement officer or another
6 person acting at the prior direction and under the supervision of an
7 investigative or law enforcement officer to intercept a wire, oral, or electronic
8 communication in order to provide evidence of the commission of the offense;
9 and generally relating to the interception of communications.

10 ~~BY repealing and reenacting, without amendments,~~
11 ~~Article – Courts and Judicial Proceedings~~
12 ~~Section 10–402(c)(2)(i)~~
13 ~~Annotated Code of Maryland~~
14 ~~(2006 Replacement Volume and 2007 Supplement)~~

15 BY repealing and reenacting, with amendments,
16 Article – Courts and Judicial Proceedings
17 Section 10–402(c)(2)(~~ii~~)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2007 Supplement)

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

22 **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 (c) (2) (i) This paragraph applies to an interception in which:

3 1. The investigative or law enforcement officer or other
4 person is a party to the communication; or

5 2. One of the parties to the communication has given
6 prior consent to the interception.

7 (ii) It is lawful under this subtitle for an investigative or law
8 enforcement officer acting in a criminal investigation or any other person acting at the
9 prior direction and under the supervision of an investigative or law enforcement officer
10 to intercept a wire, oral, or electronic communication in order to provide evidence:

11 1. Of the commission of:

12 A. Murder;

13 B. Kidnapping;

14 C. Rape;

15 D. A sexual offense in the first or second degree;

16 E. Child abuse in the first or second degree;

17 F. Child pornography under § 11-207, § 11-208, or
18 § 11-208.1 of the Criminal Law Article;

19 G. Gambling;

20 H. Robbery under § 3-402 or § 3-403 of the Criminal
21 Law Article;

22 I. A felony under Title 6, Subtitle 1 of the Criminal Law
23 Article;

24 J. Bribery;

25 K. Extortion;

26 L. Dealing in a controlled dangerous substance,
27 including a violation of § 5-617 or § 5-619 of the Criminal Law Article;

28 M. A fraudulent insurance act, as defined in Title 27,
29 Subtitle 4 of the Insurance Article;

1 N. An offense relating to destructive devices under
2 § 4-503 of the Criminal Law Article;

3 O. Sexual solicitation of a minor under § 3-324 of the
4 Criminal Law Article;

5 P. An offense relating to obstructing justice under
6 § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;

7 Q. Sexual abuse of a minor under § 3-602 of the
8 Criminal Law Article; [or]

9 **R. ASSAULT IN THE FIRST DEGREE; OR**

10 [R.] **S.** A conspiracy, **ATTEMPT**, or solicitation to
11 commit an offense listed in items A through [Q] **R** of this item; or

12 2. If:

13 A. A person has created a barricade situation; and

14 B. Probable cause exists for the investigative or law
15 enforcement officer to believe a hostage or hostages may be involved.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.