

HOUSE BILL 159

E1

01r0646

By: **Delegates Sossi, Aumann, Boteler, Eckardt, Elliott, Elmore, Frank, George, Haddaway, Impallaria, Kipke, Jenkins, Jennings, Krebs, McComas, McDonough, Miller, Norman, Schuh, Serafini, Shank, Shewell, Smigiel, Stocksedale, and Walkup**

Introduced and read first time: January 20, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Interception of Communication – Immunity from**
3 **Prosecution**

4 FOR the purpose of providing that a person who intercepts a wire, oral, or electronic
5 communication that provides evidence of the commission of a felony is immune
6 from criminal prosecution for the interception; and generally relating to
7 immunity from prosecution for the interception of wire, oral, or electronic
8 communications.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 10–402(a) and (b)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2009 Supplement)

14 BY adding to
15 Article – Courts and Judicial Proceedings
16 Section 10–402(c)(11)
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2009 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

22 10–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (1) Willfully intercept, endeavor to intercept, or procure any other
4 person to intercept or endeavor to intercept, any wire, oral, or electronic
5 communication;

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

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

14 (b) Any person who violates subsection (a) of this section is guilty of a felony
15 and is subject to imprisonment for not more than 5 years or a fine of not more than
16 \$10,000, or both.

17 (c) **(11) A PERSON WHO INTERCEPTS A WIRE, ORAL, OR ELECTRONIC**
18 **COMMUNICATION THAT PROVIDES EVIDENCE OF THE COMMISSION OF A FELONY**
19 **SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR THE INTERCEPTION.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2010.