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By: **Delegate Rosenberg**  
Introduced and read first time: February 11, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Investigation - Unauthorized Access to Computers**

3 FOR the purpose of adding unauthorized access to computers to the offenses for which  
4 an investigative or law enforcement officer may lawfully intercept certain  
5 communications under certain circumstances; adding unauthorized access to  
6 computers to the offenses for which certain individuals may receive a court  
7 order to intercept certain communications; and generally relating to the  
8 interception of communications.

9 BY repealing and reenacting, with amendments,  
10 Article - Courts and Judicial Proceedings  
11 Section 10-402(c)(2) and 10-406  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume and 1999 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 10-402.

18 (c) (2) It is lawful under this subtitle for an investigative or law enforcement  
19 officer acting in a criminal investigation or any other person acting at the prior  
20 direction and under the supervision of an investigative or law enforcement officer to  
21 intercept a wire, oral, or electronic communication in order to provide evidence of the  
22 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or  
23 second degree, child abuse, child pornography, as defined under Article 27, §§ 419A  
24 and 419B, UNAUTHORIZED ACCESS TO A COMPUTER, AS PROVIDED UNDER ARTICLE  
25 27, § 146 of the Code, gambling, robbery, any felony punishable under the "Arson and  
26 Burning" subheading of Article 27, bribery, extortion, or dealing in controlled  
27 dangerous substances, including violations of Article 27, § 286B or § 287A, fraudulent  
28 insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article, offenses  
29 relating to destructive devices under Article 27, § 139C of the Code, or any conspiracy  
30 or solicitation to commit any of these offenses, or where any person has created a

1 barricade situation and probable cause exists for the investigative or law enforcement  
2 officer to believe a hostage or hostages may be involved, where the person is a party  
3 to the communication or one of the parties to the communication has given prior  
4 consent to the interception.

5 10-406.

6 The Attorney General, State Prosecutor, or any State's Attorney may apply to a  
7 judge of competent jurisdiction, and the judge, in accordance with the provisions of §  
8 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,  
9 or electronic communications by investigative or law enforcement officers when the  
10 interception may provide or has provided evidence of the commission of the offense of  
11 murder, kidnapping, child pornography, as defined in Article 27, §§ 419A and 419B,  
12 UNAUTHORIZED ACCESS TO COMPUTERS AS PROVIDED UNDER ARTICLE 27, § 146 of  
13 the Code, gambling, robbery, any felony punishable under the "Arson and Burning"  
14 subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled  
15 dangerous substances, offenses relating to destructive devices under Article 27, §  
16 139C of the Code, or any conspiracy or solicitation to commit any of the foregoing  
17 offenses. No application or order shall be required if the interception is lawful under  
18 the provisions of § 10-402(c) of this subtitle.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2000.