

SENATE BILL 20

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HB 249/01 - JUD

2002 Regular Session
21r0461
CF 21r0460

(PRE-FILED)

By: **Senator Forehand**

Requested: September 18, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2002

CHAPTER 107

1 AN ACT concerning

2 **Criminal Procedure - Interception of Oral Communications by Law**
3 **Enforcement Officers - Criminal Investigations**

4 FOR the purpose of allowing a law enforcement officer to intercept certain oral
5 communications after lawfully detaining a vehicle during a criminal
6 investigation under certain circumstances; providing that the interception of
7 oral communications is lawful if a person becomes a party to the communication
8 following the identification of the law enforcement officer or the informing of the
9 parties that the communication is being intercepted; and generally relating to
10 the interception of oral communications by law enforcement officers.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 10-402(c)(4)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2001 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 10-402.

20 (c) (4) (I) It is lawful under this subtitle for a law enforcement officer in
21 the course of the officer's regular duty to intercept an oral communication, if:

1 [(i)] 1. The law enforcement officer initially LAWFULLY detained
2 a vehicle DURING A CRIMINAL INVESTIGATION OR for a traffic violation;

3 [(ii)] 2. The law enforcement officer is a party to the oral
4 communication;

5 [(iii)] 3. The law enforcement officer has been identified as a law
6 enforcement officer to the other parties to the oral communication prior to any
7 interception;

8 [(iv)] 4. The law enforcement officer informs all other parties to
9 the communication of the interception at the beginning of the communication; and

10 [(v)] 5. The oral interception is being made as part of a video tape
11 recording.

12 (II) IF ALL OF THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS
13 PARAGRAPH ARE MET, AN INTERCEPTION IS LAWFUL EVEN IF A PERSON BECOMES A
14 PARTY TO THE COMMUNICATION FOLLOWING:

15 1. THE IDENTIFICATION REQUIRED UNDER SUBPARAGRAPH
16 (I)3 OF THIS PARAGRAPH; OR

17 2. THE INFORMING OF THE PARTIES REQUIRED UNDER
18 SUBPARAGRAPH (I)4 OF THIS PARAGRAPH.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2002.