5lr3116 CF 5lr2149

By: Delegates McComas, Boutin, Cryor, Dwyer, Eckardt, Elliott, Glassman, Goodwin, Haddaway, Impallaria, Jennings, Krebs, Lee, Mayer, Menes, Miller, Myers, O'Donnell, Quinter, Shank, Shewell, Stocksdale, and Weldon

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Committee Report: Favorable House action: Adopted Read second time: March 22, 2005

CHAPTER_____

1 AN ACT concerning

2

Wiretap and Electronic Surveillance - Investigation - Obstructing Justice

3 FOR the purpose of adding certain offenses committed with the intention of

- 4 obstructing justice to those crimes for which evidence may be gathered by
- 5 interception of oral, wire, or electronic communications; and generally relating
- 6 to wiretap and electronic surveillance and obstructing justice.

7 BY repealing and reenacting, with amendments,

- 8 Article Courts and Judicial Proceedings
- 9 Section 10-402(c)(2)
- 10 Annotated Code of Maryland
- 11 (2002 Replacement Volume and 2004 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

13 MARYLAND, That the Laws of Maryland read as follows:

14

Article - Courts and Judicial Proceedings

15 10-402.

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

- 17 1. The investigative or law enforcement officer or other
- 18 person is a party to the communication; or

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1 2	consent to the interception.	2.	One of the parties to the communication has given prior
5 6	the prior direction and under th	criminal ne superv	ful under this subtitle for an investigative or law investigation or any other person acting at ision of an investigative or law enforcement conic communication in order to provide
8		1.	Of the commission of:
9		A.	Murder;
10		В.	Kidnapping;
11		C.	Rape;
12		D.	A sexual offense in the first or second degree;
13		E.	Child abuse;
14 15	11-208.1 of the Criminal Law	F. Article;	Child pornography under § 11-207, § 11-208, or §
16		G.	Gambling;
17 18	Article;	H.	Robbery under § 3-402 or § 3-403 of the Criminal Law
19 20	Article;	I.	A felony under Title 6, Subtitle 1 of the Criminal Law
21		J.	Bribery;
22		K.	Extortion;
23 24	violation of § 5-617 or § 5-619	L. 9 of the C	Dealing in a controlled dangerous substance, including a Criminal Law Article;
25 26	4 of the Insurance Article;	M.	A fraudulent insurance act, as defined in Title 27, Subtitle
27 28	the Criminal Law Article;	N.	An offense relating to destructive devices under § 4-503 of
29 30	Criminal Law Article; [or]	О.	Sexual solicitation of a minor under § 3-324 of the
31 32	UNDER § 9-302, § 9-303, OR	P. 8 § 9-305	AN OFFENSE RELATING TO OBSTRUCTING JUSTICE OF THE CRIMINAL LAW ARTICLE; OR

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1Q.A conspiracy or solicitation to commit an offense listed in2items A through [O] P of this item; or

3 2. If:

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

5 B. Probable cause exists for the investigative or law 6 enforcement officer to believe a hostage or hostages may be involved.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 8 effect October 1, 2005.