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

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2005

CHAPTER _____

1 AN ACT concerning

2 **Wiretap and Electronic Surveillance - Court Order - Obstructing Justice**

3 FOR the purpose of adding certain offenses committed with the intention of
4 obstructing justice to those crimes for which application may be made for a court
5 order authorizing the interception of oral, wire, or electronic communications;
6 and generally relating to wiretap and electronic surveillance and obstructing
7 justice.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 10-406
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 10-406.

17 (a) The Attorney General, State Prosecutor, or any State's Attorney may apply
18 to a judge of competent jurisdiction, and the judge, in accordance with the provisions
19 of § 10-408 of this subtitle, may grant an order authorizing the interception of wire,

1 oral, or electronic communications by investigative or law enforcement officers when
2 the interception may provide or has provided evidence of the commission of:

3 (1) Murder;

4 (2) Kidnapping;

5 (3) Child pornography under § 11-207, § 11-208, or § 11-208.1 of the
6 Criminal Law Article;

7 (4) Gambling;

8 (5) Robbery under § 3-402 or § 3-403 of the Criminal Law Article;

9 (6) A felony under Title 6, Subtitle 1 of the Criminal Law Article;

10 (7) Bribery;

11 (8) Extortion;

12 (9) Dealing in a controlled dangerous substance;

13 (10) An offense relating to destructive devices under § 4-503 of the
14 Criminal Law Article;

15 (11) Sexual solicitation of a minor under § 3-324 of the Criminal Law
16 Article; [or]

17 (12) AN OFFENSE RELATING TO OBSTRUCTING JUSTICE UNDER § 9-302, §
18 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE; OR

19 (13) A conspiracy or solicitation to commit an offense listed in items (1)
20 through [(11)] (12) of this subsection.

21 (b) No application or order shall be required if the interception is lawful under
22 the provisions of § 10-402(c) of this subtitle.

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