# Department of Legislative Services

Maryland General Assembly
2005 Session

## FISCAL AND POLICY NOTE

House Bill 1218 (Delegate McComas, *et al.*)
Judiciary Judicial Proceedings

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

This bill permits the Attorney General, State Prosecutor, or any State's Attorney to apply for an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide evidence of the commission of an offense relating to obstruction of justice.

## Fiscal Summary

**State Effect:** The bill would not materially affect government operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The Attorney General, State Prosecutor, or any State's Attorney may apply for an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of an offense relating to obstruction of justice under the prohibitions against:

- harming another, threatening to harm another, or damaging or destroying property with the intent to:
  - influence a victim or witness to testify falsely or withhold testimony; or

- induce a victim or witness to avoid the service of a subpoena or summons to testify or to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned;

- harming another or damaging or destroying property with the intent of retaliating against a victim or witness for giving testimony or reporting a crime or delinquent act; or

- influencing, intimidating, or impeding, by threat, force, or corrupt means, a juror, a witness, or an officer of a court of the State in the performance of the person's official duties.

**Current Law:** The Attorney General, State Prosecutor, or any State's Attorney may apply for an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

- murder;
- kidnapping;
- child pornography;
- gambling;
- robbery;
- felony arson or burning;
- bribery;
- extortion;
- dealing in a controlled dangerous substance;
- an offense relating to destructive devices;
- sexual solicitation of a minor; or
- conspiracy or solicitation to commit an above-listed offense.

**Background:** Witness intimidation continues to be an impediment to the effective prosecution of violent crimes, especially in jurisdictions where witnesses are reluctant to testify for fear of their lives.

Intimidation by drug dealers has been a top concern in Baltimore City, where a husband, wife, and five children were killed in 2002 after their home was firebombed in retaliation for calls to police against local drug dealers. In January 2005, city detectives sought federal grand jury indictments against four men accused of involvement in a retaliatory

firebombing at the North Baltimore home of a woman who had reported drug activity to police. In addition, a so-called "Stop Snitching" DVD has been distributed in Baltimore.

## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 645 (Senators Jimeno and Jacobs) – Judicial Proceedings.

**Information Source(s):** State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2005
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