

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 548

(Senator Giannetti, *et al.*)

Judicial Proceedings

Judiciary

Wiretapping and Electronic Surveillance - Vehicle Theft

This bill authorizes an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in the course of an investigation to provide evidence of the commission of vehicle theft, if the device is placed in the vehicle by or at the direction of law enforcement personnel under circumstances in which it is thought that vehicle theft might occur.

Fiscal Summary

State Effect: None. The bill would not materially affect governmental operations or expenditures.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Current Law: An investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer may intercept a wire, oral, or electronic communication in order to provide evidence of the commission of:

- murder;
- kidnapping;

- rape;
- a sexual offense in the first or second degree;
- child abuse;
- child pornography;
- gambling;
- robbery;
- felony arson or burning;
- bribery;
- extortion;
- dealing in a controlled dangerous substance;
- a fraudulent insurance act;
- an offense relating to destructive devices;
- sexual solicitation of a minor; or
- conspiracy or solicitation to commit any of the above listed offenses.

A wire, oral, or electronic communication may also be intercepted by a law enforcement officer if a person has created a barricade situation and probable cause exists for the officer to believe a hostage or hostages may be involved.

Background: In 2003, there were 35,627 vehicle thefts in Maryland. Ninety percent of the thefts were reported in Anne Arundel, Baltimore, Montgomery, and Prince George's counties and Baltimore City.

Additional Information

Prior Introductions: None.

Cross File: HB 610 (Delegate Menes, *et al.*) – Judiciary.

Information Source(s): Somerset County, Montgomery County, Prince George's County, Charles County, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of State Police, Baltimore County, Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2005
ncs/jr Revised - Enrolled Bill - May 5, 2005

Analysis by: Kineta A. Rotan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510