

SENATE BILL 878

E2

71r3093

By: **Senator Brochin**

Introduced and read first time: February 21, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Lawful Interception of Communications - Additional Crimes**

3 FOR the purpose of adding the commission of assault in the first degree and the
4 attempt to commit certain offenses to the offenses for which it is lawful under
5 certain circumstances for an investigative or law enforcement officer or another
6 person acting at the prior direction and under the supervision of an
7 investigative or law enforcement officer to intercept a wire, oral, or electronic
8 communication in order to provide evidence of the commission of the offense;
9 and generally relating to the interception of communications.

10 BY repealing and reenacting, without amendments,
11 Article - Courts and Judicial Proceedings
12 Section 10-402(c)(2)(i)
13 Annotated Code of Maryland
14 (2006 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 10-402(c)(2)(ii)
18 Annotated Code of Maryland
19 (2006 Replacement Volume)

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

22 **Article - Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-402.

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

3 1. The investigative or law enforcement officer or other
4 person is a party to the communication; or

5 2. One of the parties to the communication has given
6 prior consent to the interception.

7 (ii) It is lawful under this subtitle for an investigative or law
8 enforcement officer acting in a criminal investigation or any other person acting at the
9 prior direction and under the supervision of an investigative or law enforcement officer
10 to intercept a wire, oral, or electronic communication in order to provide evidence:

11 1. Of the commission of:

12 A. Murder;

13 B. Kidnapping;

14 C. Rape;

15 D. A sexual offense in the first or second degree;

16 E. Child abuse in the first or second degree;

17 F. Child pornography under § 11-207, § 11-208, or
18 § 11-208.1 of the Criminal Law Article;

19 G. Gambling;

20 H. Robbery under § 3-402 or § 3-403 of the Criminal
21 Law Article;

22 I. A felony under Title 6, Subtitle 1 of the Criminal Law
23 Article;

24 J. Bribery;

25 K. Extortion;

1 L. Dealing in a controlled dangerous substance,
2 including a violation of § 5-617 or § 5-619 of the Criminal Law Article;

3 M. A fraudulent insurance act, as defined in Title 27,
4 Subtitle 4 of the Insurance Article;

5 N. An offense relating to destructive devices under
6 § 4-503 of the Criminal Law Article;

7 O. Sexual solicitation of a minor under § 3-324 of the
8 Criminal Law Article;

9 P. An offense relating to obstructing justice under
10 § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;

11 Q. Sexual abuse of a minor under § 3-602 of the
12 Criminal Law Article; [or]

13 **R. ASSAULT IN THE FIRST DEGREE; OR**

14 [R.] **S.** A conspiracy, **ATTEMPT**, or solicitation to
15 commit an offense listed in items A through [Q] **R** of this item; or

16 2. If:

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2007.