

HOUSE BILL 345

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11r0985
CF SB 299

By: **Delegates Simmons, Cullison, Frank, Haddaway–Riccio, Hucker, Lee, Luedtke, W. Miller, Tarrant, F. Turner, and Wilson**

Introduced and read first time: February 2, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Wiretapping and Electronic Surveillance – Investigation of Human**
3 **Trafficking**

4 FOR the purpose of adding certain human trafficking offenses to those crimes for
5 which evidence may be gathered by, and a judge may grant an order
6 authorizing, interception of oral, wire, or electronic communications; and
7 generally relating to wiretap and electronic surveillance and human trafficking.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 10–402(c)(2) and 10–406(a)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2010 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 10–402.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 2. One of the parties to the communication has given
4 prior consent to the interception.

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

9 1. Of the commission of:

10 A. Murder;

11 B. Kidnapping;

12 C. Rape;

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

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

15 F. Child pornography under § 11–207, § 11–208, or
16 § 11–208.1 of the Criminal Law Article;

17 G. Gambling;

18 H. Robbery under § 3–402 or § 3–403 of the Criminal
19 Law Article;

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

22 J. Bribery;

23 K. Extortion;

24 L. Dealing in a controlled dangerous substance,
25 including a violation of § 5–617 or § 5–619 of the Criminal Law Article;

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

28 N. An offense relating to destructive devices under
29 § 4–503 of the Criminal Law Article;

1 **O. A HUMAN TRAFFICKING OFFENSE UNDER**
 2 **§ 11-303 OF THE CRIMINAL LAW ARTICLE;**

3 **[O.] P.** Sexual solicitation of a minor under § 3-324 of
 4 the Criminal Law Article;

5 **[P.] Q.** An offense relating to obstructing justice under
 6 § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;

7 **[Q.] R.** Sexual abuse of a minor under § 3-602 of the
 8 Criminal Law Article; or

9 **[R.] S.** A conspiracy or solicitation to commit an
 10 offense listed in items A through **[Q] R** of this item; or

11 2. If:

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

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

15 10-406.

16 (a) The Attorney General, State Prosecutor, or any State's Attorney may
 17 apply to a judge of competent jurisdiction, and the judge, in accordance with the
 18 provisions of § 10-408 of this subtitle, may grant an order authorizing the interception
 19 of wire, oral, or electronic communications by investigative or law enforcement officers
 20 when the interception may provide or has provided evidence of the commission of:

21 (1) Murder;

22 (2) Kidnapping;

23 (3) Rape;

24 (4) A sexual offense in the first or second degree;

25 (5) Child abuse in the first or second degree;

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

28 (7) Gambling;

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

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

2 (10) Bribery;

3 (11) Extortion;

4 (12) Dealing in a controlled dangerous substance, including a violation
5 of § 5-617 or § 5-619 of the Criminal Law Article;

6 (13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the
7 Insurance Article;

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

10 **(15) A HUMAN TRAFFICKING OFFENSE UNDER § 11-303 OF THE**
11 **CRIMINAL LAW ARTICLE;**

12 ~~[(15)]~~ **(16)** Sexual solicitation of a minor under § 3-324 of the Criminal
13 Law Article;

14 ~~[(16)]~~ **(17)** An offense relating to obstructing justice under § 9-302, §
15 9-303, or § 9-305 of the Criminal Law Article;

16 ~~[(17)]~~ **(18)** Sexual abuse of a minor under § 3-602 of the Criminal Law
17 Article; or

18 ~~[(18)]~~ **(19)** A conspiracy or solicitation to commit an offense listed in
19 items (1) through [(17)] (18) of this subsection.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.