

Chapter 54

(Senate Bill 299)

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Human Trafficking

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

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

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

Article – Courts and Judicial Proceedings

10–402.

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

1. The investigative or law enforcement officer or other person is a party to the communication; or
2. One of the parties to the communication has given prior consent to the interception.

(ii) It is lawful under this subtitle for 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 to intercept a wire, oral, or electronic communication in order to provide evidence:

1. Of the commission of:
 - A. Murder;
 - B. Kidnapping;

- C. Rape;
- D. A sexual offense in the first or second degree;
- E. Child abuse in the first or second degree;
- F. Child pornography under § 11–207, § 11–208, or § 11–208.1 of the Criminal Law Article;
- G. Gambling;
- H. Robbery under § 3–402 or § 3–403 of the Criminal Law Article;
- I. A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- J. Bribery;
- K. Extortion;
- L. Dealing in a controlled dangerous substance, including a violation of § 5–617 or § 5–619 of the Criminal Law Article;
- M. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
- N. An offense relating to destructive devices under § 4–503 of the Criminal Law Article;
- O. A HUMAN TRAFFICKING OFFENSE UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE;**
- [O.] P. Sexual solicitation of a minor under § 3–324 of the Criminal Law Article;
- [P.] Q. An offense relating to obstructing justice under § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;
- [Q.] R. Sexual abuse of a minor under § 3–602 of the Criminal Law Article; or
- [R.] S. A conspiracy or solicitation to commit an offense listed in items A through [Q] R of this item; or

2. If:

A. A person has created a barricade situation; and

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

10-406.

(a) The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10-408 of this subtitle, may grant 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:

(1) Murder;

(2) Kidnapping;

(3) Rape;

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

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

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

(7) Gambling;

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

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

(10) Bribery;

(11) Extortion;

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 12, 2011.