

# SENATE BILL 125

E2, E4, D1

8lr1395

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By: **Senator Zirkin**

Introduced and read first time: January 11, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Interception of Communications – Firearms**  
3 **Crimes**

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

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 (2013 Replacement Volume and 2017 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 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:

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

20 2. One of the parties to the communication has given prior  
21 consent to the interception.

22 (ii) It is lawful under this subtitle for an investigative or law  
23 enforcement officer acting in a criminal investigation or any other person acting at the prior

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 direction and under the supervision of an investigative or law enforcement officer to  
2 intercept a wire, oral, or electronic communication in order to provide evidence:

3 1. Of the commission of:

4 A. Murder;

5 B. Kidnapping;

6 C. Rape;

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

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

9 F. Child pornography under § 11–207, § 11–208, or §  
10 11–208.1 of the Criminal Law Article;

11 G. Gambling;

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

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

16 J. Bribery;

17 K. Extortion;

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

20 M. A fraudulent insurance act, as defined in Title 27, Subtitle  
21 4 of the Insurance Article;

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

24 O. A human trafficking offense under § 11–303 of the  
25 Criminal Law Article;

26 P. Sexual solicitation of a minor under § 3–324 of the  
27 Criminal Law Article;

28 Q. An offense relating to obstructing justice under § 9–302, §  
29 9–303, or § 9–305 of the Criminal Law Article;

1 R. Sexual abuse of a minor under § 3–602 of the Criminal  
2 Law Article;

3 S. A theft scheme or continuing course of conduct under §  
4 7–103(f) of the Criminal Law Article involving an aggregate value of property or services of  
5 at least \$10,000;

6 T. Abuse or neglect of a vulnerable adult under § 3–604 or §  
7 3–605 of the Criminal Law Article;

8 U. An offense relating to Medicaid fraud under §§ 8–509  
9 through 8–515 of the Criminal Law Article; [or]

10 V. **AN OFFENSE INVOLVING A FIREARM UNDER § 5–134,**  
11 **§ 5–136, § 5–138, § 5–140, § 5–141, OR § 5–144 OF THE PUBLIC SAFETY ARTICLE; OR**

12 W. A conspiracy or solicitation to commit an offense listed in  
13 items A through [U] V of this item; or

14 2. If:

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

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

18 10–406.

19 (a) The Attorney General, State Prosecutor, or any State’s Attorney may apply to  
20 a judge of competent jurisdiction, and the judge, in accordance with the provisions of §  
21 10–408 of this subtitle, may grant an order authorizing the interception of wire, oral, or  
22 electronic communications by investigative or law enforcement officers when the  
23 interception may provide or has provided evidence of the commission of:

24 (1) Murder;

25 (2) Kidnapping;

26 (3) Rape;

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

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

29 (6) Child pornography under § 11–207, § 11–208, or § 11–208.1 of the

- 1 Criminal Law Article;
- 2 (7) Gambling;
- 3 (8) Robbery under § 3–402 or § 3–403 of the Criminal Law Article;
- 4 (9) A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- 5 (10) Bribery;
- 6 (11) Extortion;
- 7 (12) Dealing in a controlled dangerous substance, including a violation of §  
8 5–617 or § 5–619 of the Criminal Law Article;
- 9 (13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the  
10 Insurance Article;
- 11 (14) An offense relating to destructive devices under § 4–503 of the Criminal  
12 Law Article;
- 13 (15) A human trafficking offense under § 11–303 of the Criminal Law  
14 Article;
- 15 (16) Sexual solicitation of a minor under § 3–324 of the Criminal Law  
16 Article;
- 17 (17) An offense relating to obstructing justice under § 9–302, § 9–303, or §  
18 9–305 of the Criminal Law Article;
- 19 (18) Sexual abuse of a minor under § 3–602 of the Criminal Law Article;
- 20 (19) A theft scheme or continuing course of conduct under § 7–103(f) of the  
21 Criminal Law Article involving an aggregate value of property or services of at least  
22 \$10,000;
- 23 (20) Abuse or neglect of a vulnerable adult under § 3–604 or § 3–605 of the  
24 Criminal Law Article;
- 25 (21) An offense relating to Medicaid fraud under §§ 8–509 through 8–515 of  
26 the Criminal Law Article; [or]
- 27 (22) **AN OFFENSE INVOLVING A FIREARM UNDER § 5–134, § 5–136, §**  
28 **5–138, § 5–140, § 5–141, OR § 5–144 OF THE PUBLIC SAFETY ARTICLE; OR**
- 29 **(23)** A conspiracy or solicitation to commit an offense listed in items (1)  
30 through [(21)] **(22)** of this subsection.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2018.