
By: Delegate Hutchins

Introduced and read first time: January 29, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Wiretap and Electronic Surveillance**

3 FOR the purpose of adding an offense relating to proceeds from controlled dangerous
4 substance offenses to those crimes for which evidence may be gathered by
5 interception of oral, wire, or electronic communications under certain
6 circumstances; adding an offense relating to proceeds from controlled dangerous
7 substance offenses to those crimes for which certain persons may apply to a judge
8 for an order authorizing the interception of oral, wire, or electronic
9 communications; and generally relating to wiretapping and electronicsurveillance.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 10-402(c)(2) and 10-406
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1995 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 10-402.

19 (c) (2) It is lawful under this subtitle for an investigative or lawenforcement
20 officer acting in a criminal investigation or any other person acting at the prior direction
21 and under the supervision of an investigative or law enforcement officer to intercept a
22 wire, oral, or electronic communication in order to provide evidence ofthe commission of
23 the offenses of murder, kidnapping, rape, a sexual offense in the firstor second degree,
24 child abuse, gambling, robbery, any felony punishable under the "Arson and Burning"
25 subheading of Article 27, bribery, extortion, [or] dealing in controlled dangerous
26 substances, including violations of Article 27, § 286B or § 287A, ANY OFFENSE
27 RELATING TO PROCEEDS FROM A CONTROLLED DANGEROUS SUBSTANCE OFFENSE,
28 AS DEFINED IN ARTICLE 27, § 297B OF THE CODE, fraudulent insurance acts, as defined
29 in Article 48A, § 233 or any conspiracy or solicitation to commit any of these offenses, or
30 where any person has created a barricade situation and probable cause exists for the
31 investigative or law enforcement officer to believe a hostage or hostages may be involved,

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1 where the person is a party to the communication or one of the parties to the
2 communication has given prior consent to the interception.

3 10-406.

4 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
5 judge of competent jurisdiction, and the judge, in accordance with the provisions of §
6 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or
7 electronic communications by investigative or law enforcement officers when the
8 interception may provide or has provided evidence of the commission of the offense of
9 murder, kidnapping, gambling, robbery, any felony punishable under the "Arson and
10 Burning" subheading of Article 27 of this Code, bribery, extortion, [or] dealing in
11 controlled dangerous substances, ANY OFFENSE RELATING TO PROCEEDS FROM A
12 CONTROLLED DANGEROUS SUBSTANCE OFFENSE, AS DEFINED IN ARTICLE 27, § 297B
13 OF THE CODE, or any conspiracy or solicitation to commit any of the foregoing offenses.
14 No application or order shall be required if the interception is lawful under the provisions
15 of § 10-402(c) of this subtitle.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1996.