

HOUSE BILL 914

Unofficial Copy
E2

1998 Regular Session
8r1504
CF 8r2438

By: **Delegates Rudolph, Comeau, Klausmeier, W. Baker, Slade, Hutchins,
and Moe**

Introduced and read first time: February 12, 1998
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 1998

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Child Pornography - ~~Internet~~ Interception of Communications**

3 FOR the purpose of adding child pornography ~~and unauthorized access to computers~~
4 to the offenses an investigative or law enforcement officer may lawfully
5 investigate, under certain circumstances, by intercepting wire, oral, or
6 electronic communications; adding child pornography ~~and unauthorized access~~
7 ~~to computers~~ to the offenses for which the Attorney General, the State
8 Prosecutor, or a State's Attorney must receive a court order ~~for~~ before lawfully
9 intercepting wire, oral, or electronic communications without prior consent from
10 any party to the interception; and generally relating to the interception of
11 communications.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 10-402(c)(2) and 10-406
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

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

19 **Article - Courts and Judicial Proceedings**

20 10-402.

21 (c) (2) It is lawful under this subtitle for an investigative or law enforcement
22 officer acting in a criminal investigation or any other person acting at the prior

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 of the
3 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or
4 second degree, child abuse, CHILD PORNOGRAPHY, AS DEFINED UNDER ARTICLE 27, §§
5 419A AND 419B, ~~UNAUTHORIZED ACCESS TO COMPUTERS, AS PROVIDED UNDER~~
6 ~~ARTICLE 27, § 146 OF THE CODE~~, gambling, robbery, any felony punishable under the
7 "Arson and Burning" subheading of Article 27, bribery, extortion, or dealing in
8 controlled dangerous substances, including violations of Article 27, § 286B or § 287A,
9 fraudulent insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article,
10 offenses relating to destructive devices under Article 27, § 139C of the Code, or any
11 conspiracy or solicitation to commit any of these offenses, or where any person has
12 created a barricade situation and probable cause exists for the investigative or law
13 enforcement officer to believe a hostage or hostages may be involved, where the
14 person is a party to the communication or one of the parties to the communication has
15 given prior consent to the interception.

16 10-406.

17 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
18 judge of competent jurisdiction, and the judge, in accordance with the provisions of §
19 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,
20 or electronic communications by investigative or law enforcement officers when the
21 interception may provide or has provided evidence of the commission of the offense of
22 murder, kidnapping, CHILD PORNOGRAPHY, AS DEFINED IN ARTICLE 27, §§ 419A AND
23 419B, ~~UNAUTHORIZED ACCESS TO COMPUTERS, AS PROVIDED IN ARTICLE 27, § 146 OF~~
24 ~~THE CODE~~, gambling, robbery, any felony punishable under the "Arson and Burning"
25 subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled
26 dangerous substances, offenses relating to destructive devices under Article 27, §
27 139C of the Code, or any conspiracy or solicitation to commit any of the foregoing
28 offenses. No application or order shall be required if the interception is lawful under
29 the provisions of § 10-402(c) of this subtitle.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.