

HOUSE BILL 962

Unofficial Copy
D3

1998 Regular Session
8lr2343

By: **Delegates Genn, Vallario, Doory, Montague, Dembrow, Turner, R. Baker,
Comeau, Goldwater, and Kopp**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Wiretapping and Electronic Surveillance - Intent**

3 FOR the purpose of altering the type of mental culpability required for the
4 commission of certain criminal offenses concerning the interception of wire, oral,
5 or electronic communication; and generally relating to criminal offenses
6 concerning the interception of wire, oral, or electronic communication.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 10-402(a)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Courts and Judicial Proceedings
14 Section 10-402(b)
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 (a) Except as otherwise specifically provided in this subtitle it is unlawful for
22 any person to:

23 (1) [Wilfully] INTENTIONALLY intercept, endeavor to intercept, or
24 procure any other person to intercept or endeavor to intercept, any wire, oral, or
25 electronic communication;

1 (2) [Wilfully] INTENTIONALLY disclose, or endeavor to disclose, to any
2 other person the contents of any wire, oral, or electronic communication[, knowing or
3 having reason to know that the information was obtained through the interception of
4 a wire, oral, or electronic communication in violation of this subtitle]; or

5 (3) [Wilfully] INTENTIONALLY use, or endeavor to use, the contents of
6 any wire, oral, or electronic communication[, knowing or having reason to know that
7 the information was obtained through the interception of a wire, oral, or electronic
8 communication in violation of this subtitle].

9 (b) Any person who violates subsection (a) of this section is guilty of a felony
10 and is subject to imprisonment for not more than 5 years or a fine of not more than
11 \$10,000, or both.

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