

SENATE BILL 553

Unofficial Copy
E2

1998 Regular Session
(8lr2438)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senator Fry**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Crimes - ~~Wiretapping - Exceptions~~ Child Pornography - Interception of**
3 **Communications**

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

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 10-402(c)(2) and 10-406

1 Annotated Code of Maryland
2 (1995 Replacement Volume and 1997 Supplement)

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

5 **Article - Courts and Judicial Proceedings**

6 10-402.

7 (c) (2) It is lawful under this subtitle for an investigative or law enforcement
8 officer acting in a criminal investigation or any other person acting at the prior
9 direction and under the supervision of an investigative or law enforcement officer to
10 intercept a wire, oral, or electronic communication in order to provide evidence of the
11 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or
12 second degree, child abuse, CHILD PORNOGRAPHY, AS DEFINED UNDER ARTICLE 27, §§
13 419A AND 419B, ~~UNAUTHORIZED ACCESS TO COMPUTERS, AS PROVIDED UNDER~~
14 ~~ARTICLE 27, § 146~~ *OF THE CODE*, gambling, robbery, any felony punishable under the
15 "Arson and Burning" subheading of Article 27, bribery, extortion, or dealing in
16 controlled dangerous substances, including violations of Article 27, § 286B or § 287A,
17 fraudulent insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article,
18 offenses relating to destructive devices under Article 27, § 139C of the Code, or any
19 conspiracy or solicitation to commit any of these offenses, or where any person has
20 created a barricade situation and probable cause exists for the investigative or law
21 enforcement officer to believe a hostage or hostages may be involved, where the
22 person is a party to the communication or one of the parties to the communication has
23 given prior consent to the interception.

24 10-406.

25 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
26 judge of competent jurisdiction, and the judge, in accordance with the provisions of §
27 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,
28 or electronic communications by investigative or law enforcement officers when the
29 interception may provide or has provided evidence of the commission of the offense of
30 murder, kidnapping, CHILD PORNOGRAPHY, AS DEFINED IN ARTICLE 27, §§ 419A AND
31 419B, ~~UNAUTHORIZED ACCESS TO COMPUTERS, AS PROVIDED IN ARTICLE 27, § 146~~ *OF*
32 *THE CODE*, gambling, robbery, any felony punishable under the "Arson and Burning"
33 subheading of Article 27 of this Code, bribery, extortion, or dealing in controlled
34 dangerous substances, offenses relating to destructive devices under Article 27, §
35 139C of the Code, or any conspiracy or solicitation to commit any of the foregoing
36 offenses. No application or order shall be required if the interception is lawful under
37 the provisions of § 10-402(c) of this subtitle.

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

