

SENATE BILL 553

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1998 Regular Session
8lr2438
CF 8lr1504

By: **Senator Fry**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Wiretapping - Exceptions**

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
23 direction and under the supervision of an investigative or law enforcement officer to
24 intercept a wire, oral, or electronic communication in order to provide evidence of the
25 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or
26 second degree, child abuse, CHILD PORNOGRAPHY, AS DEFINED UNDER ARTICLE 27, §§
27 419A AND 419B, UNAUTHORIZED ACCESS TO COMPUTERS, AS PROVIDED UNDER
28 ARTICLE 27, § 146, gambling, robbery, any felony punishable under the "Arson and
29 Burning" subheading of Article 27, bribery, extortion, or dealing in controlled
30 dangerous substances, including violations of Article 27, § 286B or § 287A, fraudulent

1 insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article, offenses
2 relating to destructive devices under Article 27, § 139C of the Code, or any conspiracy
3 or solicitation to commit any of these offenses, or where any person has created a
4 barricade situation and probable cause exists for the investigative or law enforcement
5 officer to believe a hostage or hostages may be involved, where the person is a party
6 to the communication or one of the parties to the communication has given prior
7 consent to the interception.

8 10-406.

9 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
10 judge of competent jurisdiction, and the judge, in accordance with the provisions of §
11 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,
12 or electronic communications by investigative or law enforcement officers when the
13 interception may provide or has provided evidence of the commission of the offense of
14 murder, kidnapping, CHILD PORNOGRAPHY, AS DEFINED IN ARTICLE 27, §§ 419A AND
15 419B, UNAUTHORIZED ACCESS TO COMPUTERS, AS PROVIDED IN ARTICLE 27, § 146,
16 gambling, robbery, any felony punishable under the "Arson and Burning" subheading
17 of Article 27 of this Code, bribery, extortion, or dealing in controlled dangerous
18 substances, offenses relating to destructive devices under Article 27, § 139C of the
19 Code, or any conspiracy or solicitation to commit any of the foregoing offenses. No
20 application or order shall be required if the interception is lawful under the provisions
21 of § 10-402(c) of this subtitle.

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