

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 1998

CHAPTER _____

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~~ may apply to a certain judge to grant an order authorizing the
10 lawful interception of wire, oral, or electronic communications without prior
11 consent from any party to the interception; and generally relating to the
12 interception of communications.

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 10-402(c)(2) and 10-406
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

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

20 **Article - Courts and Judicial Proceedings**

21 10-402.

22 (c) (2) It is lawful under this subtitle for an investigative or law enforcement
23 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, gambling, robbery, any felony punishable under the "Arson and
7 Burning" subheading of Article 27, bribery, extortion, or dealing in controlled
8 dangerous substances, including violations of Article 27, § 286B or § 287A, fraudulent
9 insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article, offenses
10 relating to destructive devices under Article 27, § 139C of the Code, or any conspiracy
11 or solicitation to commit any of these offenses, or where any person has created a
12 barricade situation and probable cause exists for the investigative or law enforcement
13 officer to believe a hostage or hostages may be involved, where the person is a party
14 to the communication or one of the parties to the communication has given prior
15 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,
24 gambling, robbery, any felony punishable under the "Arson and Burning" subheading
25 of Article 27 of this Code, bribery, extortion, or dealing in controlled dangerous
26 substances, offenses relating to destructive devices under Article 27, § 139C of the
27 Code, or any conspiracy or solicitation to commit any of the foregoing offenses. No
28 application or order shall be required if the interception is lawful under the provisions
29 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.