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By: **Delegate Dembrow**

Introduced and read first time: January 24, 2001

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Interception of Oral Communications by Law**  
3 **Enforcement Officers - Criminal Investigations**

4 FOR the purpose of allowing a law enforcement officer to intercept certain oral  
5 communications after detaining a person or stopping a vehicle during a criminal  
6 investigation under certain circumstances; providing that the interception of  
7 oral communications is lawful if a person becomes a party to the communication  
8 following the identification of the law enforcement officer or the informing of the  
9 parties that the communication is being intercepted; and generally relating to  
10 the interception of oral communications by law enforcement officers.

11 BY repealing and reenacting, with amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 10-402(c)(4)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2000 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 10-402.

20 (c) (4) (I) It is lawful under this subtitle for a law enforcement officer in  
21 the course of the officer's regular duty to intercept an oral communication, if:

22 [(i)] 1. The law enforcement officer initially detained a PERSON  
23 OR STOPPED A vehicle DURING A CRIMINAL INVESTIGATION OR for a traffic violation;

24 [(ii)] 2. The law enforcement officer is a party to the oral  
25 communication;

26 [(iii)] 3. The law enforcement officer has been identified as a law  
27 enforcement officer to the other parties to the oral communication prior to any  
28 interception;

1 [(iv)] 4. The law enforcement officer informs all other parties to  
2 the communication of the interception at the beginning of the communication; and

3 [(v)] 5. The oral interception is being made as part of a video tape  
4 recording.

5 (II) IF THE REQUIREMENTS OF THIS PARAGRAPH ARE MET, AN  
6 INTERCEPTION IS LAWFUL EVEN IF A PERSON BECOMES A PARTY TO THE  
7 COMMUNICATION FOLLOWING:

8 1. THE IDENTIFICATION REQUIRED UNDER SUBPARAGRAPH  
9 (I)3 OF THIS PARAGRAPH; OR

10 2. THE INFORMING OF THE PARTIES REQUIRED UNDER  
11 SUBPARAGRAPH (I)4 OF THIS PARAGRAPH.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2001.