2001 Regular Session 1lr0786

Unofficial Copy E2

By: Delegate Dembrow Introduced and read first time: January 24, 2001 Assigned to: Judiciary Committee Report: Favorable with amendments House action: Adopted Read second time: February 20, 2001						
1 A	N ACT concerning					
2 3	Criminal Procedure - Interception of Oral Communications by Law Enforcement Officers - Criminal Investigations					
4 F 5 6 7 8 9 10	OR the purpose of allowing a law enforcement officer to intercept certain oral communications after <u>lawfully</u> detaining a <u>person or stopping a</u> vehicle during a criminal investigation under certain circumstances; providing that the interception of oral communications is lawful if a person becomes a party to the communication following the identification of the law enforcement officer or the informing of the parties that the communication is being intercepted; and generally relating to the interception of oral communications by law enforcement officers.					
12 13 14 15 16	BY repealing and reenacting, with amendments, Article - Courts and Judicial Proceedings Section 10-402(c)(4) Annotated Code of Maryland (1998 Replacement Volume and 2000 Supplement)					
17 18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
19	Article - Courts and Judicial Proceedings					
20	0-402.					
21	(c) (4) (I) It is lawful under this subtitle for a law enforcement officer in					

22 the course of the officer's regular duty to intercept an oral communication, if:

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	a PERSON OR STOI violation;	[(i)] PPED A v	1. vehicle D	The law enforcement officer initially <u>LAWFULLY</u> detained URING A CRIMINAL INVESTIGATION OR for a traffic
4 5	communication;	[(ii)]	2.	The law enforcement officer is a party to the oral
	enforcement officer to interception;	[(iii)] the othe	3. r parties	The law enforcement officer has been identified as a law to the oral communication prior to any
9 10	the communication o	[(iv)] If the inter	4.	The law enforcement officer informs all other parties to at the beginning of the communication; and
11 12	recording.	[(v)]	5.	The oral interception is being made as part of a video tape
	PARAGRAPH ARE PARTY TO THE CO		N INTER	OF THE REQUIREMENTS OF <u>SUBPARAGRAPH (I) OF</u> THIS REPTION IS LAWFUL EVEN IF A PERSON BECOMES AN FOLLOWING:
16 17	(I)3 OF THIS PARA	GRAPH;	1. OR	THE IDENTIFICATION REQUIRED UNDER SUBPARAGRAPH
18 19	SUBPARAGRAPH ((I)4 OF T	2. HIS PAF	THE INFORMING OF THE PARTIES REQUIRED UNDER RAGRAPH.
20 21	SECTION 2. AN October 1, 2001.	D BE IT	FURTH	ER ENACTED, That this Act shall take effect