

SENATE BILL 310

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SB 665/00 - JPR

2001 Regular Session  
11r1748

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By: **Senator Van Hollen**  
Introduced and read first time: January 29, 2001  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 13, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Courts - Wiretapping and Electronic Surveillance - Admissibility of**  
3 **Evidence**

4 FOR the purpose of authorizing intercepted communications between certain persons  
5 or intercepted in another jurisdiction to be received into evidence in certain  
6 criminal proceedings under certain circumstances; and generally relating to  
7 admissibility of evidence of certain communications.

8 BY repealing and reenacting, with amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 10-405  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2000 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 10-405.

17 (A) [Whenever] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
18 WHENEVER any wire or oral communication has been intercepted, no part of the  
19 contents of the communication and no evidence derived therefrom may be received in  
20 evidence in any trial, hearing, or other proceeding in or before any court, grand jury,  
21 department, officer, agency, regulatory body, legislative committee, or other authority  
22 of this State, or a political subdivision thereof if the disclosure of that information  
23 would be in violation of this subtitle.

1 (B) THE CONTENTS OF AN INTERCEPTED COMMUNICATION, INCLUDING AN  
2 INTERCEPTION PROHIBITED UNDER THIS SUBTITLE, MAY BE RECEIVED INTO  
3 EVIDENCE IN ANY CRIMINAL PROCEEDING, IF SUCH COMMUNICATION WAS:

4 (1) ~~BETWEEN~~ INTERCEPTED BY AT LEAST ONE OF TWO OR MORE  
5 PERSONS WHO WERE A PARTY TO THE INTERCEPTED COMMUNICATION AND WERE  
6 NOT ACTING AS LAW ENFORCEMENT AGENTS AND THE INTERCEPTED  
7 COMMUNICATION IS RELEVANT TO A CRIME AT ISSUE IN THE PROCEEDING; OR

8 (2) INTERCEPTED IN ANOTHER JURISDICTION, AND THE INTERCEPTION  
9 WOULD NOT BE EXCLUDED IN A CRIMINAL PROCEEDING IN THE OTHER  
10 JURISDICTION.

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