

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 310 (Senator Van Hollen)

Judicial Proceedings

Judiciary

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**Criminal Procedure - Wiretapping - Exceptions for Out-of-State Interception**

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This bill authorizes a court to receive into evidence intercepted wire or oral communications if the interception was legally made in another jurisdiction even though such an interception would be illegal in Maryland, if:

- at least one of the parties to the communication was outside the State during the communication;
- the interception was not made as part of or in furtherance of a law enforcement investigation; and
- all parties to the communication were co-conspirators in a crime of violence.

The bill also authorizes a person who has received any information concerning such communications to testify about such communications if the same criteria are met.

The bill applies only to communications intercepted on or after the bill's October 1, 2001 effective date.

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**Fiscal Summary**

**State Effect:** The bill's alteration of evidentiary standards is not expected to significantly impact governmental operations or finances.

**Local Effect:** The bill's alteration of evidentiary standards is not expected to significantly impact governmental operations or finances.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Under the Maryland Wiretapping and Electronic Surveillance Act, it is generally unlawful to intercept any wire, oral, or electronic communication. A violator is guilty of a felony and subject to a maximum term of imprisonment of five years or a maximum fine of \$10,000, or both. Unlawfully intercepted communications may not be introduced as evidence. The prohibition does not apply if all the parties to the communication have given prior consent to the interception.

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### Additional Information

**Prior Introductions:** A similar bill was introduced during the 2000 session as SB 665. It passed the Senate, and passed the House with amendments, but was not adopted after the appointment of a conference committee.

**Cross File:** Although not identified as a cross file, HB 659 is identical.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the State's Attorneys' Coordinator, Office of Public Defender, Department of Legislative Services

**Fiscal Note History:** First Reader – February 28, 2001  
mld/jr Revised – Senate Third Reader – March 19, 2001  
Revised – Enrolled Bill – April 25, 2001

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Analysis by: Claire E. Rooney

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510