

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

**FISCAL NOTE**

House Bill 249

Delegate Dembrow)

Judiciary

Judicial Proceedings

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

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This bill allows law enforcement officers, in the course of regular duties, to intercept an oral communication after detaining a person during a criminal investigation. The bill applies specified requirements and conditions, currently applicable to such interceptions made in connection with traffic stops, in order for such an interception to be lawful.

The bill also provides that if the specified requirements and conditions are met, an interception is lawful even if a person becomes a party to the communication after: (1) the officer has been identified as a law enforcement officer to the other parties to the communication prior to its interception; or (2) the officer informs all other parties to the communication of the interception at the beginning of the communication.

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**Fiscal Summary**

**State Effect:** Broadening the authority of State law enforcement agencies to intercept oral communications is not expected to have a significant fiscal impact on those entities. Any efficiencies in the actual enforcement of the State's criminal laws, or any increase in the effectiveness of criminal prosecutions, resulting from this bill cannot be reliably quantified.

**Local Effect:** Broadening the authority of local law enforcement agencies to intercept oral communications is not expected to have a significant fiscal impact on those entities. Any efficiencies in the actual enforcement of the State's criminal laws, or any increase in the effectiveness of criminal prosecutions, resulting from this bill cannot be reliably quantified.

**Small Business Effect:** None.

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### **Analysis**

**Current Law:** Law enforcement officers may, during the course of regular duties, intercept an oral communication if: (1) the law enforcement officer initially detained a vehicle for a traffic violation; (2) the officer is a party to the oral communication; (3) the officer has been identified as a law enforcement officer to the other parties to the communication prior to its interception; (4) the officer informs all other parties to the communication of the interception at the beginning of the communication; and (5) the interception is being made as part of a video tape recording.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader – February 5, 2001  
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Analysis by: Guy G. Cherry

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