

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 659 (Delegates Barkley and Vallario)

Judiciary

Judicial Proceedings

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

This bill provides that if a wire or oral communication is intercepted outside of the State in accordance with the law of the jurisdiction in which the communication was intercepted, but the interception would have been a violation of the Maryland Wiretapping and Electronic Surveillance Act (Wiretap Act) if the interception was made in Maryland, the contents of the communication and evidence derived therefrom may be received in evidence in any court or governmental proceeding if: (1) at least one of the parties to the communication was outside the State during the communication; (2) the interception was not made as part of or in furtherance of a law enforcement investigation; and (3) all parties to the communication were co-conspirators in a crime of violence.

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

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.

Analysis

Current Law: Under the Wiretap 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 of the parties to the communication have given prior consent to the interception.

Additional Information

Prior Introductions: A similar bill was introduced during the 2000 session as HB 472. It passed the House, and passed the Senate with amendments, but was not adopted after the appointment of a conference committee.

Cross File: None.

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

Fiscal Note History: First Reader – February 26, 2001
ef/jr

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