

(PRE-FILED)

By: **Delegates Hutchins and Owings**

Requested: November 1, 2001

Introduced and read first time: January 9, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Wiretap and Electronic Surveillance - Terrorist Organizations**

3 FOR the purpose of adding offenses that are committed by or on behalf of an
4 organization that is designated as an international terrorist organization under
5 federal law to those crimes for which evidence may be gathered by interception
6 of oral, wire, or electronic communications under certain circumstances; adding
7 offenses that are committed by or on behalf of an organization that is designated
8 as an international terrorist organization under federal law to those crimes for
9 which certain persons may apply to a judge for an order authorizing the
10 interception of oral, wire, or electronic communications; making stylistic
11 changes; requiring a certain study and report to be made; providing for the
12 termination of certain provisions of this Act; and generally relating to
13 wiretapping and electronic surveillance.

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 10-402(c)(2) and 10-406
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2001 Supplement)

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

21 **Article - Courts and Judicial Proceedings**

22 10-402.

23 (c) (2) It is lawful under this subtitle for an investigative or law enforcement
24 officer acting in a criminal investigation or any other person acting at the prior
25 direction and under the supervision of an investigative or law enforcement officer to
26 intercept a wire, oral, or electronic communication in order to provide evidence of the
27 commission of:

- 1 (I) [the offenses of murder, kidnapping, rape, a sexual offense in
2 the first or second degree, child abuse, child pornography, as defined under Article 27,
3 §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of
4 the Code, any felony punishable under the "Arson and Burning" subheading of Article
5 27, bribery, extortion, or dealing in controlled dangerous substances, including
6 violations of Article 27, § 286B or § 287A, fraudulent] MURDER;
- 7 (II) KIDNAPPING;
- 8 (III) RAPE;
- 9 (IV) A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE;
- 10 (V) CHILD ABUSE;
- 11 (VI) CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE
12 CRIMINAL LAW ARTICLE;
- 13 (VII) GAMBLING;
- 14 (VIII) ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW
15 ARTICLE;
- 16 (IX) ANY FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL
17 LAW ARTICLE;
- 18 (X) BRIBERY;
- 19 (XI) EXTORTION;
- 20 (XII) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,
21 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;
- 22 (XIII) FRAUDULENT insurance acts, as defined in Title 27, Subtitle 4
23 of the Insurance [Article, offenses] ARTICLE;
- 24 (XIV) OFFENSES relating to destructive devices under [Article 27, §
25 139C of the Code, or any] § 4-503 OF THE CRIMINAL LAW ARTICLE;
- 26 (XV) OFFENSES THAT ARE COMMITTED BY OR ON BEHALF OF AN
27 ORGANIZATION THAT IS DESIGNATED AS AN INTERNATIONAL TERRORIST
28 ORGANIZATION IN ACCORDANCE WITH 8 U.S.C. § 1189;
- 29 (XVI) A conspiracy or solicitation to commit [any of these offenses, or
30 where any] AN OFFENSE LISTED IN ITEMS (I) THROUGH (XV) OF THIS SUBSECTION;
31 OR
- 32 (XVII) IF:
- 33 1. A person has created a barricade [situation and probable]
34 SITUATION;

1 (B) No application or order shall be required if the interception is lawful under
2 the provisions of § 10-402(c) of this subtitle.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
4 State Police in consultation with the Office of the Attorney General shall study the
5 use and effectiveness of this Act and shall submit a report to the General Assembly
6 before December 1, 2006.

7 SECTION 3. AND BE IT FURTHER ENACTED, That §§ 10-402(c)(2)(xv) and
8 10-406(a)(11) of the Courts Article as enacted by this Act shall remain effective for a
9 period of 5 years and, at the end of September 30, 2007, with no further action
10 required by the General Assembly, this Act shall be abrogated and of no further force
11 and effect.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2002.