

HOUSE BILL 100

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E2

2002 Regular Session  
2lr0028

(PRE-FILED)

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By: **Chairman, Judiciary Committee (Departmental - State Police)**

Requested: October 19, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Investigation - Unauthorized Access to a Computer**

3 FOR the purpose of adding unauthorized access to a computer to the offenses for  
4 which an investigative or law enforcement officer may lawfully intercept certain  
5 communications under certain circumstances; adding unauthorized access to a  
6 computer to the offenses for which certain individuals may obtain a court order  
7 to intercept certain communications; correcting certain cross-references;  
8 making stylistic changes; and generally relating to interception of  
9 communications.

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

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

17 **Article - Courts and Judicial Proceedings**

18 10-402.

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

24 (I) [the offenses of murder, kidnapping, rape, a sexual offense in  
25 the first or second degree, child abuse, child pornography, as defined under Article 27,  
26 §§ 419A and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of  
27 the Code, any felony punishable under the "Arson and Burning" subheading of Article

1 27, bribery, extortion, or dealing in controlled dangerous substances, including  
2 violations of Article 27, § 286B or § 287A, fraudulent] MURDER;

3 (II) KIDNAPPING;

4 (III) RAPE;

5 (IV) A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE;

6 (V) CHILD ABUSE;

7 (VI) CHILD PORNOGRAPHY UNDER § 11-207 OR § 11-208 OF THE  
8 CRIMINAL LAW ARTICLE;

9 (VII) GAMBLING;

10 (VIII) ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW  
11 ARTICLE;

12 (IX) A FELONY UNDER TITLE 6, SUBTITLE 1 OF THE CRIMINAL LAW  
13 ARTICLE;

14 (X) BRIBERY;

15 (XI) EXTORTION;

16 (XII) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,  
17 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF THE CRIMINAL LAW ARTICLE;

18 (XIII) UNAUTHORIZED ACCESS TO A COMPUTER UNDER § 7-302 OF  
19 THE CRIMINAL LAW ARTICLE;

20 (XIV) A FRAUDULENT insurance [acts] ACT, as defined in Title 27,  
21 Subtitle 4 of the Insurance [Article, offenses] ARTICLE;

22 (XV) AN OFFENSE relating to destructive devices under [Article 27, §  
23 139C of the Code, or any] § 4-503 OF THE CRIMINAL LAW ARTICLE;

24 (XVI) A conspiracy or solicitation to commit any of [these offenses, or  
25 where any] THE OFFENSES LISTED IN ITEMS (I) THROUGH (XV) OF THIS SUBSECTION;  
26 OR

27 (XVII) IF:

28 1. A person has created a barricade [situation and probable]  
29 SITUATION;

30 2. PROBABLE cause exists for the investigative or law  
31 enforcement officer to believe a hostage or hostages may be [involved, where the]  
32 INVOLVED; AND



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2002.