

SENATE BILL 116

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E2
HB 1326/01 - JUD

2002 Regular Session
2lr0095

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Public
Safety and Correctional Services)**

Requested: October 19, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Interception of Communications - Escape**

3 FOR the purpose of authorizing an investigative or law enforcement officer or certain
4 other persons to intercept a wire, oral, or electronic communication in order to
5 provide evidence of the commission of the offenses of escape in the first degree or
6 conspiracy or solicitation to escape in the first degree; correcting certain
7 cross-references; making stylistic changes; and generally relating to the
8 interception of wire, oral, or electronic communications and the crime of escape
9 in the first degree.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 10-402(c)(2)
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 (1) [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) ESCAPE IN THE FIRST DEGREE UNDER § 9-404 OF THE
17 CRIMINAL LAW ARTICLE;

18 (XIII) DEALING IN A CONTROLLED DANGEROUS SUBSTANCE,
19 INCLUDING A VIOLATION OF § 5-617 OR § 5-619 OF 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] AN OFFENSE 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
2 COMMUNICATION; OR

3. A. THE person is a party to the [communication or one]

3
4 consent to the interception.

B. ONE of the parties to the communication has given prior

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