
By: **Senators Frosh, Forehand, Hughes, and Sfikas**
Introduced and read first time: January 31, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Wiretapping - Investigative or Law Enforcement Officer - Evidence of Sale,**
3 **Rental, Purchase, or Transfer of a Regulated Firearm**

4 FOR the purpose of authorizing an investigative or law enforcement officer acting in
5 a criminal investigation or another person acting at the prior direction and
6 under the supervision of an investigative or law enforcement officer to intercept
7 a wire, oral, or electronic communication in order to provide evidence of the
8 commission of certain offenses relating to the sale, rental, purchase, or transfer
9 of a regulated firearm under certain circumstances; and generally relating to
10 the interception of certain communications to provide evidence of the
11 commission of certain offenses involving regulated firearms.

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

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

19 **Article - Courts and Judicial Proceedings**

20 10-402.

21 (c) (2) It is lawful under this subtitle for an investigative or law enforcement
22 officer acting in a criminal investigation or any other person acting at the prior
23 direction and under the supervision of an investigative or law enforcement officer to
24 intercept a wire, oral, or electronic communication in order to provide evidence of the
25 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or
26 second degree, child abuse, child pornography, as defined under Article 27, §§ 419A
27 and 419B of the Code, gambling, robbery under Article 27, § 486 or § 487 of the Code,
28 any felony punishable under the "Arson and Burning" subheading of Article 27,
29 bribery, extortion, or dealing in controlled dangerous substances, including violations
30 of Article 27, § 286B or § 287A, fraudulent insurance acts, as defined in Title 27,

1 Subtitle 4 of the Insurance Article, offenses relating to destructive devices under
2 Article 27, § 139C of the Code, THE SALE, RENTAL, PURCHASE, OR TRANSFER OF A
3 REGULATED FIREARM UNDER ARTICLE 27, § 442 OF THE CODE, or any conspiracy or
4 solicitation to commit any of these offenses, or where any person has created a
5 barricade situation and probable cause exists for the investigative or law enforcement
6 officer to believe a hostage or hostages may be involved, where the person is a party
7 to the communication or one of the parties to the communication has given prior
8 consent to the interception.

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