

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 180 (Delegate Dembrow, *et al.*)

Judiciary

Judicial Proceedings

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**Criminal Procedure - Interception of Oral Communications by Law  
Enforcement Officers - Criminal Investigations**

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This bill expands current law to allow a law enforcement officer to intercept an oral communication if the officer lawfully detains a vehicle during a criminal investigation. The officer must also meet the following existing requirements:

- the officer is a party to the oral communication;
- the officer has been identified as a law enforcement officer to the other parties to the communication prior to any interception;
- the officer informs all other parties to the communication of the interception at the beginning of the communication; and
- the interception is being made as part of a video tape recording.

The bill also provides that, if the above requirements are met, an interception is lawful even if a person becomes a party to the communication after:

- the officer has been identified as a law enforcement officer; or
- the officer informs the parties of the interception.

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**Fiscal Summary**

**State Effect:** Broadening the authority of State law enforcement agencies to intercept oral communications is not expected to have a significant fiscal impact on those entities.

**Local Effect:** None -- see above.

**Small Business Effect:** None.

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## Analysis

**Current Law:** It is lawful for a law enforcement officer, in the course of the officer's regular duty, to intercept an oral communication if:

- the officer initially detained a vehicle for a traffic violation;
- the officer is a party to the oral communication;
- the officer has been identified as a law enforcement officer to the other parties to the communication prior to any interception;
- the officer informs all other parties to the communication of the interception at the beginning of the communication; and
- the interception is being made as part of a video tape recording.

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## Additional Information

**Prior Introductions:** This bill was introduced in the 2001 session as HB 249. It passed in the House and Senate with amendments. The House refused to concur with the Senate amendments and requested that the Senate recede.

**Cross File:** SB 20 (Senator Forehand) – Judicial Proceedings.

**Information Source(s):** State's Attorneys' Association, Public Defender's Office, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - January 22, 2002  
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