

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 116 (Chairman, Judicial Proceedings Committee)
(Departmental – Public Safety and Correctional Services)
Judicial Proceedings

Crimes - Interception of Communications - Escape

This departmental bill authorizes an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence of the commission of the offenses of escape or conspiracy to commit an escape.

Fiscal Summary

State Effect: Adding escape to the crimes for which an investigative or law enforcement officer may intercept a wire, oral, or electronic communication is not expected to have a significant impact on governmental operations or finances.

Local Effect: None -- see above.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The Wiretap Act generally prohibits the willful interception of a wire, oral, or electronic communication. However, an investigative or law enforcement officer may intercept a wire, oral, or electronic communication in order to provide evidence of the commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or second degree, child abuse, child pornography, gambling, robbery, arson, bribery, extortion, dealing in controlled dangerous substances, fraudulent insurance acts, offenses

relating to destructive devices, or conspiracy or solicitation to commit any of these offenses. An investigative or law enforcement officer may also intercept a wire, oral, or electronic communication where a person has created a barricade situation and probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved, where the person is a party to the communication, or where one of the parties to the communication has given prior consent to the interception.

Additional Information

Prior Introductions: A similar bill was introduced in the 2001 session as HB 1326. It received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2002
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