

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 448

(Senator Frosh, *et al.*)

Judicial Proceedings

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

This bill adds the offenses of the sale, rental, purchase, or transfer of a regulated firearm (including any conspiracy or solicitation to commit these offenses) to the list of offenses for which an officer under specified circumstances may intercept a wire, oral, or electronic communication during an investigation.

Fiscal Summary

State Effect: Enforcement of this bill's provisions could be handled with existing budgeted resources.

Local Effect: None -- see above.

Small Business Effect: Potential minimal.

Analysis

Current Law: The Wiretap Act generally prohibits the willful interception of a wire, oral, or electronic communication. However, law enforcement and investigative officers (and persons acting under the direction or supervision of such officers) may intercept a wire, oral, or electronic communication as evidence in a criminal investigation of any of the following offenses, where the officer (or person) is a party to the communication or one of the parties to the communication has given prior consent to the interception: (1) murder; (2) kidnapping; (3) rape; (4) a sexual offense in the first or second degree; (5) child abuse; (6) child pornography; (7) gambling; (8) robbery; (9) arson and burning

felonies; (10) bribery; (11) extortion; (12) dealing in controlled dangerous substances; (13) fraudulent insurance acts; (14) offenses relating to destructive devices; (15) any conspiracy or solicitation to commit any of these offenses; or (16) where any 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.

Alternatively, the Attorney General, State Prosecutor, or any State's Attorney may apply to a judge for (and the judge may grant) an order authorizing an investigative or law enforcement officer to intercept a wire, oral, or electronic communication as evidence of the commission of any of the following crimes: (1) murder; (2) kidnapping; (3) child pornography; (4) gambling; (5) robbery; (6) arson and burning felonies; (7) bribery; (8) extortion; (9) dealing in controlled dangerous substances; (10) offenses relating to destructive devices; or (11) any conspiracy or solicitation to commit any of these offenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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