
By: **Delegates McComas, Boutin, Cryor, Dwyer, Eckardt, Elliott, Glassman, Goodwin, Haddaway, Impallaria, Jennings, Krebs, Lee, Mayer, Menes, Miller, Myers, O'Donnell, Quinter, Shank, Shewell, Stocksdale, and Weldon**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Wiretap and Electronic Surveillance - Investigation - Obstructing Justice**

3 FOR the purpose of adding certain offenses committed with the intention of
4 obstructing justice to those crimes for which evidence may be gathered by
5 interception of oral, wire, or electronic communications; and generally relating
6 to wiretap and electronic surveillance and obstructing justice.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 10-402(c)(2)
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2004 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 10-402.

16 (c) (2) (i) This paragraph applies to an interception in which:

17 1. The investigative or law enforcement officer or other
18 person is a party to the communication; or

19 2. One of the parties to the communication has given prior
20 consent to the interception.

21 (ii) It is lawful under this subtitle for an investigative or law
22 enforcement officer acting in a criminal investigation or any other person acting at
23 the prior direction and under the supervision of an investigative or law enforcement
24 officer to intercept a wire, oral, or electronic communication in order to provide
25 evidence:

- 1 1. Of the commission of:
 - 2 A. Murder;
 - 3 B. Kidnapping;
 - 4 C. Rape;
 - 5 D. A sexual offense in the first or second degree;
 - 6 E. Child abuse;
 - 7 F. Child pornography under § 11-207, § 11-208, or §
8 11-208.1 of the Criminal Law Article;
 - 9 G. Gambling;
 - 10 H. Robbery under § 3-402 or § 3-403 of the Criminal Law
11 Article;
 - 12 I. A felony under Title 6, Subtitle 1 of the Criminal Law
13 Article;
 - 14 J. Bribery;
 - 15 K. Extortion;
 - 16 L. Dealing in a controlled dangerous substance, including a
17 violation of § 5-617 or § 5-619 of the Criminal Law Article;
 - 18 M. A fraudulent insurance act, as defined in Title 27, Subtitle
19 4 of the Insurance Article;
 - 20 N. An offense relating to destructive devices under § 4-503 of
21 the Criminal Law Article;
 - 22 O. Sexual solicitation of a minor under § 3-324 of the
23 Criminal Law Article; [or]
 - 24 P. AN OFFENSE RELATING TO OBSTRUCTING JUSTICE
25 UNDER § 9-302, § 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE; OR
 - 26 Q. A conspiracy or solicitation to commit an offense listed in
27 items A through [O] P of this item; or
- 28 2. If:
 - 29 A. A person has created a barricade situation; and
 - 30 B. Probable cause exists for the investigative or law
31 enforcement officer to believe a hostage or hostages may be involved.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2005.