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By: **Senators Jimeno and Jacobs**  
Introduced and read first time: February 4, 2005  
Assigned to: Judicial Proceedings

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 16, 2005

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Wiretap and Electronic Surveillance - Court Order - Obstructing Justice**

3 FOR the purpose of adding certain offenses committed with the intention of  
4 obstructing justice to those crimes for which application may be made for a court  
5 order authorizing the interception of oral, wire, or electronic communications;  
6 and generally relating to wiretap and electronic surveillance and obstructing  
7 justice.

8 BY repealing and reenacting, with amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 10-406  
11 Annotated Code of Maryland  
12 (2002 Replacement Volume and 2004 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 10-406.

17 (a) The Attorney General, State Prosecutor, or any State's Attorney may apply  
18 to a judge of competent jurisdiction, and the judge, in accordance with the provisions  
19 of § 10-408 of this subtitle, may grant an order authorizing the interception of wire,  
20 oral, or electronic communications by investigative or law enforcement officers when  
21 the interception may provide or has provided evidence of the commission of:

22 (1) Murder;

- 1           (2)     Kidnapping;
- 2           (3)     Child pornography under § 11-207, § 11-208, or § 11-208.1 of the  
3 Criminal Law Article;
- 4           (4)     Gambling;
- 5           (5)     Robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- 6           (6)     A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- 7           (7)     Bribery;
- 8           (8)     Extortion;
- 9           (9)     Dealing in a controlled dangerous substance;
- 10          (10)    An offense relating to destructive devices under § 4-503 of the  
11 Criminal Law Article;
- 12          (11)    Sexual solicitation of a minor under § 3-324 of the Criminal Law  
13 Article; [or]
- 14          (12)    AN OFFENSE RELATING TO OBSTRUCTING JUSTICE UNDER § 9-302, §  
15 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE; OR
- 16          (13)    A conspiracy or solicitation to commit an offense listed in items (1)  
17 through [(11)] (12) of this subsection.
- 18       (b)     No application or order shall be required if the interception is lawful under  
19 the provisions of § 10-402(c) of this subtitle.
- 20       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
21 effect October 1, 2005.