

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 610  
Judiciary

(Delegate Menes, *et al.*)

Judicial Proceedings

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Wiretapping and Electronic Surveillance - Vehicle Theft

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This bill authorizes an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in the course of an investigation to provide evidence of the commission of vehicle theft, if the device is placed in the vehicle by or at the direction of law enforcement personnel under circumstances in which it is thought that vehicle theft might occur.

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Fiscal Summary

**State Effect:** None. The bill would not materially affect governmental operations or expenditures.

**Local Effect:** None – see above.

**Small Business Effect:** None.

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Analysis

**Current Law:** An investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer may intercept a wire, oral, or electronic communication in order to provide evidence of the commission of:

- murder;
- kidnapping;
- rape;

- a sexual offense in the first or second degree;
- child abuse;
- child pornography;
- gambling;
- robbery;
- felony arson or burning;
- bribery;
- extortion;
- dealing in a controlled dangerous substance;
- a fraudulent insurance act;
- an offense relating to destructive devices;
- sexual solicitation of a minor; or
- conspiracy or solicitation to commit any of the above listed offenses.

A wire, oral, or electronic communication may also be intercepted by a law enforcement officer if a person has created a barricade situation and probable cause exists for the officer to believe a hostage or hostages may be involved.

**Background:** In 2003, there were 35,627 vehicle thefts in Maryland. Ninety percent of the thefts were reported in Anne Arundel, Baltimore, Montgomery, and Prince George's counties and Baltimore City.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 548 (Senator Giannetti, *et al.*) – Judicial Proceedings.

**Information Source(s):** Somerset County, Montgomery County, Prince George's County, Charles County, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of State Police, Baltimore County, Frederick County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2005  
mp/jr Revised - Enrolled Bill - May 3, 2005

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Analysis by: Kineta A. Rotan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510