

SENATE BILL 271

E2, D3

8lr1552

By: **Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)**

Introduced and read first time: January 25, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2008

CHAPTER _____

1 AN ACT concerning

2 **Admissibility of Evidence – Intercepted Communications – Electronic**

3 FOR the purpose of prohibiting the admissibility of the contents of an intercepted
4 electronic communication or information derived from an intercepted electronic
5 communication as evidence in certain proceedings under certain circumstances;
6 providing that an electronic communication that was intercepted in the
7 violation of certain provisions of law may be admissible in certain proceedings
8 under certain circumstances; and generally relating to the admissibility of
9 evidence and intercepted electronic communications.

10 BY repealing and reenacting, without amendments,
11 Article – Courts and Judicial Proceedings
12 Section 10–401(11)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Courts and Judicial Proceedings
17 Section 10–405
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) The interception was not made as part of or in furtherance of an
2 investigation conducted by or on behalf of law enforcement officials of this State; and

3 (3) All parties to the communication were co-conspirators in a crime of
4 violence as defined in § 14-101 of the Criminal Law Article.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.