

SENATE BILL 628

D1, E4, E1

5lr2506
CF 5lr2268

By: **Senator Klausmeier**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Wiretapping and Electronic Surveillance – Body–Worn Digital Recording Device**
3 **and Electronic Control Device – Exception**

4 FOR the purpose of establishing that it is lawful under a certain provision of law for a law
5 enforcement officer to intercept a certain oral communication with a certain device
6 under certain circumstances; defining certain terms; and generally relating to the
7 interception of oral communications.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 10–402(c)(11)

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2014 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 10–402.

17 (c) **(11) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE**
18 **THE MEANINGS INDICATED.**

19 **2. “BODY–WORN DIGITAL RECORDING DEVICE” MEANS A**
20 **DEVICE WORN ON THE PERSON OF A LAW ENFORCEMENT OFFICER THAT IS CAPABLE**
21 **OF RECORDING VIDEO AND INTERCEPTING ORAL COMMUNICATIONS.**

22 **3. “ELECTRONIC CONTROL DEVICE” HAS THE MEANING**
23 **STATED IN § 4–109 OF THE CRIMINAL LAW ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) IT IS LAWFUL UNDER THIS SUBTITLE FOR A LAW**
2 **ENFORCEMENT OFFICER IN THE COURSE OF THE OFFICER'S REGULAR DUTY TO**
3 **INTERCEPT AN ORAL COMMUNICATION WITH A BODY-WORN DIGITAL RECORDING**
4 **DEVICE OR AN ELECTRONIC CONTROL DEVICE CAPABLE OF RECORDING VIDEO AND**
5 **ORAL COMMUNICATIONS IF:**

6 **1. THE LAW ENFORCEMENT OFFICER IS A PARTY TO THE**
7 **ORAL COMMUNICATION;**

8 **2. THE LAW ENFORCEMENT OFFICER, IF REASONABLE**
9 **UNDER THE CIRCUMSTANCES, HAS BEEN IDENTIFIED AS A LAW ENFORCEMENT**
10 **OFFICER TO THE OTHER PARTIES TO THE ORAL COMMUNICATION BEFORE THE ORAL**
11 **INTERCEPTION; AND**

12 **3. THE ORAL INTERCEPTION IS BEING MADE AS PART OF**
13 **A VIDEOTAPE OR DIGITAL RECORDING.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2015.