

HOUSE BILL 1142

D3, E4

8lr3193
CF SB 720

By: **Delegates Malone, Atterbeary, Aumann, Carozza, Ciliberti, Cluster, Corderman, Kipke, Kittleman, McComas, Metzgar, and Shoemaker**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Interception of Oral Communication – Law Enforcement Officer**

3 FOR the purpose of ~~repealing a requirement that a law enforcement officer provide a~~
4 ~~certain notice to an individual who is being recorded in a certain manner in order to~~
5 ~~lawfully intercept a certain oral communication~~ providing that the failure of law
6 enforcement to notify a certain individual that the individual is being recorded shall
7 not affect the admissibility of a certain recording; and generally relating to the
8 interception of oral communication by a law enforcement officer.

9 BY repealing and reenacting, without amendments,

10 Article – Courts and Judicial Proceedings

11 Section 10–402(a)

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Courts and Judicial Proceedings

16 Section 10–402(c)(11)

17 Annotated Code of Maryland

18 (2013 Replacement Volume and 2017 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 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.



Article – Courts and Judicial Proceedings

10–402.

(a) Except as otherwise specifically provided in this subtitle it is unlawful for any person to:

(1) Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(2) Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle; or

(3) Willfully use, or endeavor to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle.

(c) (11) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Body–worn digital recording device” means a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications.

3. “Electronic control device” has the meaning stated in § 4–109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer in the course of the officer’s regular duty to intercept an oral communication with a body–worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer is in uniform or prominently displaying the officer’s badge or other insignia;

2. The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3–511 of the Public Safety Article for the use of body–worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer is a party to the oral communication; ~~AND~~

