

SB0899/418276/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 899
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “altering a certain provision of law relating to the interception of an oral communication by a law enforcement officer using a body-worn digital recording device or electronic control device;”; and after line 8, insert:

“BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 10-402(c)(11)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“Article – Courts and Judicial Proceedings

10-402.

(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.

(Over)

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(ii) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty OR SECONDARY EMPLOYMENT 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;

4. Law enforcement notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

(iii) Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given."