

HB0489/162916/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 489
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “a”; in the same line, strike “list” and substitute “lists”; in line 4, strike “, and a judge may grant an order authorizing;”; and in line 9, after “Section” insert “10-402(c)(2) and”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“10-402.

(c) (2) (i) This paragraph applies to an interception in which:

1. The investigative or law enforcement officer or other person is a party to the communication; or

2. One of the parties to the communication has given prior consent to the interception.

(ii) It is lawful under this subtitle for 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 to intercept a wire, oral, or electronic communication in order to provide evidence:

1. Of the commission of:

A. Murder;

(Over)

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- B. Kidnapping;
- C. Rape;
- D. A sexual offense in the first or second degree;
- E. Child abuse in the first or second degree;
- F. Child pornography under § 11–207, § 11–208, or § 11–208.1 of the Criminal Law Article;
- G. Gambling;
- H. Robbery under § 3–402 or § 3–403 of the Criminal Law Article;
- I. A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- J. Bribery;
- K. Extortion;
- L. Dealing in a controlled dangerous substance, including a violation of § 5–617 or § 5–619 of the Criminal Law Article;
- M. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
- N. An offense relating to destructive devices under § 4–503 of the Criminal Law Article;

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O. A human trafficking offense under Title 3, Subtitle 11 of the Criminal Law Article;

P. Sexual solicitation of a minor under § 3-324 of the Criminal Law Article;

Q. An offense relating to obstructing justice under § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;

R. Sexual abuse of a minor under § 3-602 of the Criminal Law Article;

S. A theft scheme or continuing course of conduct under § 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least \$10,000;

T. Abuse or neglect of a vulnerable adult under § 3-604 or § 3-605 of the Criminal Law Article;

U. An offense relating to Medicaid fraud under §§ 8-509 through 8-515 of the Criminal Law Article;

V. An offense involving a firearm under § 5-134, § 5-136, § 5-138, § 5-140, § 5-141, or § 5-144 of the Public Safety Article; [or]

W. MISCONDUCT IN OFFICE; OR

[W.] X. A conspiracy or solicitation to commit an offense listed in items A through [V] W of this item; or

2. If:

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A. A person has created a barricade situation; and

B. Probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved.”.