

# SENATE BILL 440

D1, E2

1lr0446  
CF HB 489

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By: **Senator Lee**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Wiretapping – Misconduct in Office**

3 FOR the purpose of adding misconduct in office to a certain list of crimes for which certain  
4 evidence may be gathered by, and a judge may grant an order authorizing,  
5 interception of oral, wire, or electronic communications; and generally relating to  
6 interception of oral, wire, or electronic communications.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 10–406  
10 Annotated Code of Maryland  
11 (2020 Replacement Volume)

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

14 **Article – Courts and Judicial Proceedings**

15 10–406.

16 (a) The Attorney General, State Prosecutor, or any State’s Attorney may apply to  
17 a judge of competent jurisdiction, and the judge, in accordance with the provisions of §  
18 10–408 of this subtitle, may grant an order authorizing the interception of wire, oral, or  
19 electronic communications by investigative or law enforcement officers when the  
20 interception may provide or has provided evidence of the commission of:

21 (1) Murder;

22 (2) Kidnapping;

23 (3) Rape;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (4) A sexual offense in the first or second degree;
- 2 (5) Child abuse in the first or second degree;
- 3 (6) Child pornography under § 11–207, § 11–208, or § 11–208.1 of the  
4 Criminal Law Article;
- 5 (7) Gambling;
- 6 (8) Robbery under § 3–402 or § 3–403 of the Criminal Law Article;
- 7 (9) A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- 8 (10) Bribery;
- 9 (11) Extortion;
- 10 (12) Dealing in a controlled dangerous substance, including a violation of §  
11 5–617 or § 5–619 of the Criminal Law Article;
- 12 (13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the  
13 Insurance Article;
- 14 (14) An offense relating to destructive devices under § 4–503 of the Criminal  
15 Law Article;
- 16 (15) A human trafficking offense under Title 3, Subtitle 11 of the Criminal  
17 Law Article;
- 18 (16) Sexual solicitation of a minor under § 3–324 of the Criminal Law  
19 Article;
- 20 (17) An offense relating to obstructing justice under § 9–302, § 9–303, or §  
21 9–305 of the Criminal Law Article;
- 22 (18) Sexual abuse of a minor under § 3–602 of the Criminal Law Article;
- 23 (19) A theft scheme or continuing course of conduct under § 7–103(f) of the  
24 Criminal Law Article involving an aggregate value of property or services of at least  
25 \$10,000;
- 26 (20) Abuse or neglect of a vulnerable adult under § 3–604 or § 3–605 of the  
27 Criminal Law Article;
- 28 (21) An offense relating to Medicaid fraud under §§ 8–509 through 8–515 of  
29 the Criminal Law Article;

1                   (22) An offense involving a firearm under § 5–134, § 5–136, § 5–138, §  
2 5–140, § 5–141, or § 5–144 of the Public Safety Article; [or]

3                   **(23) MISCONDUCT IN OFFICE; OR**

4                   [(23)] **(24)** A conspiracy or solicitation to commit an offense listed in items  
5 (1) through [(22)] **(23)** of this subsection.

6                   (b) No application or order shall be required if the interception is lawful under  
7 the provisions of § 10–402(c) of this subtitle.

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2021.