

Bill Number: SB 440
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 440
WIRETAPPING – MISCONDUCT IN OFFICE

I write in support to Senate Bill 440 that will expand by one the types of crimes for which law enforcement is permitted to investigate using a wiretap.

Maryland is a one party consent state when it comes to the recording of oral communications especially through the telephone. Maryland has long had a statutory scheme in which law enforcement, under a judges supervision, are permitted to record telephone conversations when they have probable cause to believe telephones are being use to commit crimes. For years, Courts and Judicial Proceedings Article §10-406 has had 22 specific crimes which permitted law enforcement to obtain court orders to record telephone conversations.

Senate Bill 440 adds an additional crime of misconduct in office. This addition is a logical addition to CJ §10-406's list. Misconduct in office is a crime often conducted surreptitiously out of sight of all. It is only logical that some of the misconduct conducted could be done over the telephone.

Senate Bill 440 gives law enforcement another tool in fighting corruption. Please remember by adding this crime to §10-406 the police will have to have probable cause and prove in a wiretap request to a Judge the reason for the wiretap. The write taps are supervised by a Judge with weekly updates required and time limits for how long they can last. In addition, wiretaps must be signed off on by The Elected State's Attorney for each jurisdiction or the State Prosecutor. There is an abundance of protections in this area of the law to be certain that a Defendant's rights have been protected.

I urge a favorable report.