

"Crimes and Punishments", said new section to follow immediately after Section 670 thereof, and to be under the new sub-title "Wire-tapping", prohibiting the obtaining or tapping of telephonic or telegraphic communications without consent, with exceptions, unless pursuant to the order of a judge of the Circuit Court or of the Supreme Bench of Baltimore City subject to certain requirements and restrictions, and providing that evidence obtained as a result of the interception of telephonic and telegraphic communications shall be admissible in evidence in certain cases only if obtained in conformity with the provisions of this Act, and making it a criminal offense to intercept telephonic and telegraphic communications in any manner other than as provided in this Act.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 100 to 107, inclusive, be and they are hereby added to Article 35 of the Annotated Code of Maryland (1951 Edition and 1955 Supplement), title "Evidence", to follow immediately after Section 99 thereof, to be under the new sub-title "Wire-tapping", and to read as follows:

*Wire-tapping*

100. *The right of the people to be secure against unreasonable interception of telephonic and telegraphic communications shall not be violated. The interception and divulgence of a private communication by any person not a party thereto is contrary to the public policy of this State, and shall not be permitted except by court order in unusual circumstances to protect the people. It is further declared to be the public policy of this State that detection of the guilty does not justify investigative methods which infringe upon the liberties of the innocent.*

101. (a) *Except as otherwise provided in Section 102 of this sub-title or sub-section (b) of this section, no person shall:*

(1) *Obtain or attempt to obtain the whole or any part of a telephonic or telegraphic communication to which such person is not a participant by means of any device, contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, unless consent is given by at least one participant. THE PARTICIPANTS.*

(2) *Tamper with the wires, connections, boxes, fuses, circuits, lines or other equipment or facilities of a telephone or telegraph company over which messages are transmitted with the intent to obtain unlawfully the contents of a telephonic or telegraphic communication to which such person is not a participant.*

(b) *The prohibition of this section shall not apply to officers, employees or agents of a telephone or telegraph company who perform the acts prohibited in this sub-title for the purpose of construction, maintenance or conducting of their telephonic and telegraphic communications service, facilities or equipment.*

102. (a) *An ex parte order for the interception of telephonic and telegraphic communications may be issued by any judge of a Circuit Court or of the Supreme Bench of Baltimore City upon the verified application of the Attorney General or any State's Attorney OR ANY DULY CONSTITUTED POLICE OFFICER setting forth fully the facts and circumstances upon which the application is based and stating that:*