

Punishments”, sub-title “Electronic Devices”, to follow immediately after Section 125 thereof, making it generally unlawful to use any electronic device to overhear words spoken by a person in private conversation without the consent of the other person; describing the circumstances under and the manner in which electronic devices may be so used; and relating generally to the use and prohibition of electronic devices for overhearing words spoken in private conversation.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 125A, 125B and 125C be and they are hereby added to Article 27 of the Annotated Code of Maryland (1957 Edition), title “Crimes and Punishments”, sub-title “Electronic Devices”, to follow immediately after Section 125 thereof and all to read as follows:

Electronic Devices

125A. (a) *It is unlawful for any person in this State to use any electronic device or other device or equipment of any type whatsoever in such manner as to overhear or record any part of the conversation or words spoken to or by any person in private conversation without the knowledge or consent, expressed or implied, of that other person.*

(b) *However, if it shall appear to a duly authorized public law enforcement officer of this State that a crime has been, or is being, or is about to be committed, and that the use of such electronic devices are required to prevent the commission of the said crime, or to apprehend the persons who shall have committed it, then the law enforcement officer or officers shall submit to the State’s Attorney of the county or of Baltimore City the evidence upon which the said law enforcement officer bases his contention that an ex parte order authorizing the use of the said electronic devices is necessary; and if it shall appear to the said State’s Attorney that there are reasonable grounds to believe that a crime has been committed or is being committed or may be committed then the said State’s Attorney shall apply to any of the Judges of the Circuit Court of the county or of the Supreme Bench of Baltimore City, by means of a formal ex parte petition for the issuance of an order authorizing the use of the said electronic devices or equipment, and shall make oath or affirm in the said petition that there is probable cause to believe that a crime may be, or is being, or has been committed and shall state the facts upon which said probable cause is based, and further, that the use of the said electronic devices or equipment is necessary in order to prevent the commission of, or to secure evidence of the commission of such crime. In such case the affiant shall identify, with reasonable particularity, the device or devices to be used, the place or places where they are to be used, the person or persons whose conversation is to be intercepted, the crime or crimes which are suspected to have been, or about to be committed, and that the evidence thus obtained will be used solely in connection with an investigation or prosecution of the said crimes before any such ex parte order shall be issued. The applicant must state whether any prior application has been made in the same matter and if such prior application exists the applicant shall disclose the present status thereof.*