

THE PROHIBITION OF THIS SECTION DOES NOT APPLY TO ANY OFFICER, EMPLOYEE, OR AGENT OF A TELEPHONE OR TELEGRAPH COMPANY WHO PERFORMS AN ACT PROHIBITED IN THIS SUBTITLE FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE, OR CONDUCT OF THE COMPANY'S TELEPHONIC OR TELEGRAPHIC COMMUNICATIONS SERVICE, FACILITIES, OR EQUIPMENT.

REVISOR'S NOTE: This section is new language derived from Art. 35, §93. This section is revised into three subsections with substantially the same language. This division highlights the provisions of this section and presents the section in a clearer and more readable system.

SEC. 10-403. EX PARTE ORDER FOR INTERCEPTION.

(A) APPLICATION.

AN EX PARTE ORDER FOR THE INTERCEPTION OF TELEPHONIC AND TELEGRAPHIC COMMUNICATIONS MAY BE ISSUED BY A JUDGE OF A CIRCUIT COURT, THE SUPREME BENCH OF BALTIMORE CITY, OR THE DISTRICT COURT UPON THE VERIFIED APPLICATION OF THE ATTORNEY GENERAL OR A STATE'S ATTORNEY SETTING FORTH FULLY THE FACTS AND CIRCUMSTANCES UPON WHICH THE APPLICATION IS BASED AND STATING THAT:

(1) THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A CRIME HAS BEEN ~~[[COMMITTED]]~~ COMMITTED OR IS ABOUT TO BE COMMITTED.

(2) THERE ARE REASONABLE GROUNDS TO BELIEVE THAT EVIDENCE WILL BE OBTAINED ESSENTIAL TO THE SOLUTION OF A CRIME, OR WHICH MAY ENABLE THE PREVENTION OF A CRIME.

(3) THERE ARE NO OTHER MEANS READILY AVAILABLE FOR OBTAINING THE INFORMATION.

(B) GROUNDS STATED.

WHERE STATEMENTS ARE SOLELY UPON THE INFORMATION AND BELIEF OF THE APPLICANT, THE GROUNDS FOR THE BELIEF MUST BE GIVEN.

(C) PRIOR APPLICATION.

THE APPLICANT MUST STATE WHETHER ANY PRIOR