

(1972) the Court of Appeals held invalid Art. 35, §94(f), on the grounds that its provisions were less restrictive than those of pertinent federal law (Title III, Omnibus Crime Control Act; 18 USCA §2518(4)(e) and §2518(5)). At the 1973 regular session, the General Assembly enacted H. B. 962, revising the wire-tap laws, but this bill was vetoed by the Governor.

The Code Revision Commission originally drafted subsection (f) and (g) of §10-403 to reflect the Siegal holding. However, the Senate Judicial Proceedings and House Judiciary Committees concluded that this was merely a "band-aid" approach to improvement of the wire-tap law, and proposed an amendment (which was adopted) to restore to the Courts Article the language of Art. 35, §94(f). The provisions of subsections (f) and (g) as adopted by the General Assembly accomplish this objective.

SEC. 10-404. OFFICER PROCEEDING UNDER AN EXPIRED ORDER.

AN OFFICER WHO KNOWINGLY PROCEEDS UNDER AN ORDER WHICH HAS EXPIRED AND HAS NOT BEEN RENEWED ACTS WITHOUT AUTHORITY AND IS SUBJECT TO THE PENALTIES PROVIDED IN THIS SUBTITLE OR IN §585 OF ARTICLE 27 OF THIS CODE AS THOUGH HE HAD NEVER OBTAINED AN ORDER.

REVISOR'S NOTE: This section presently appears as Art. 35, §95. Changes are made in style and language, and some section references are omitted.

SEC. 10-405. APPLICATION NOT PUBLIC RECORD.

THE APPLICATION FOR AN ORDER AND SUPPORTING DOCUMENTS AND TESTIMONY IN CONNECTION WITH IT ARE NOT PUBLIC RECORDS AND SHALL REMAIN CONFIDENTIAL IN THE CUSTODY OF THE COURT. THESE MATERIALS MAY NOT BE RELEASED OR INFORMATION CONCERNING THEM IN ANY MANNER DISCLOSED EXCEPT UPON WRITTEN ORDER OF THE COURT.

REVISOR'S NOTE: This section presently appears as Art. 35, §96. Changes are made in style and language, and a section reference is omitted.

SEC. 10-406. ADMISSIBILITY OF EVIDENCE.