

prohibits the interception or attempted interception of telephonic communications, without consent of all parties to the conversation. See *Robert v. State*, 220 Md. 159, 169-171 (1959). It enacts in their place, in new Section 93(b) of Article 35, the following provisions:

“(2) It shall not be unlawful under this subtitle for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(3) It shall not be unlawful under this subtitle for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the constitution, or federal or state law, or for the purpose of committing any other injurious act.” (emphasis supplied).

These two new subsections are taken from Section 2511(2) of Title 18, and their effect when read together with the balance of H.B. 962, is to allow the police, and anyone else, to intercept, listen in, and record the private conversations of people where only one party to the conversation has given consent to such activity. The other party to the conversation is thus subject to having his conversation intercepted without his knowledge, without prior court approval, and without any need to show probable cause to believe that criminal activity of any kind may be afoot. The very opportunity for unwarranted spying and intrusions on people’s privacy authorized by this bill is frightening; and recent revelations have given clear indication that the possibilities of abuse are more real than theoretical.

I cannot believe that the Legislature fully realized the scope of these provisions, or that Congress realized their scope when enacting the federal law. In any event, I will not be a party to making such unlicensed intrusions on private communications a matter of State policy, and I therefore veto this bill.

Sincerely,

MARVIN MANDEL,
Governor.

Read and journalized.

House Bill No. 962—By Delegates Owens and Heintz:

An Act to repeal Sections 125A through 125D of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title and subtitle “Crimes and Punishment,” **[[subtitle]]** subheading “Electronic Devices”; to repeal Section 585 of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title and subtitle “Crimes and Punishments,” **[[subtitle]]** subheading “Wire Tapping”; and to repeal Sections 92 through 99 of Article 35 of the Annotated Code of Maryland (1971 Replacement Volume), title “Evidence,” subtitle “Wire Tapping,” and to enact in lieu thereof new Sections 92 through **[[99]]** 99A, to be under the new subtitle “Wire Interception and Interception of Oral Communications,” to define the terms used in the new subtitle, to prohibit the unauthorized interception of wire and oral communications and to prohibit their use as evidence, to authorize the Attorney General in certain cases and the State’s