

~~[(vi)]~~ ~~(v)~~ If the State loses the appeal, the jurisdiction shall pay all the costs related to the appeal, including reasonable attorney fees incurred by the defendant as a result of the appeal.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any appeal taken by the State before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 10, 2005.

CHAPTER 329
(Senate Bill 645)

AN ACT concerning

Wiretap and Electronic Surveillance - Court Order - Obstructing Justice

FOR the purpose of adding certain offenses committed with the intention of obstructing justice to those crimes for which application may be made for a court order authorizing the interception of oral, wire, or electronic communications; and generally relating to wiretap and electronic surveillance and obstructing justice.

BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 10-406
Annotated Code of Maryland
(2002 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

10-406.

(a) The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

- (1) Murder;
- (2) Kidnapping;