

(ii) The order of authorization under which it was intercepted is insufficient on its face, or was not obtained or issued in strict compliance with this subtitle; or

(iii) The interception was not made in conformity with the order of authorization.

(2) This motion [may be made before or during the trial, hearing, or proceeding] SHALL BE MADE IN ACCORDANCE WITH THE MARYLAND RULES. If the motion is granted, the contents of the intercepted wire, oral, or electronic communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this subtitle. The judge, upon the filing of the motion by the aggrieved person, in his discretion may make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

(3) In addition to any other right to appeal, the State shall have the right to appeal from the denial of an application for an order of approval, if the prosecuting attorney shall certify to the judge or other official denying the application that the appeal is not taken for purposes of delay. The appeal shall be taken within 30 days after the date the order was entered and shall be diligently prosecuted.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively to apply to communications intercepted on or after the effective date of this Act.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

Approved May 15, 2001.

CHAPTER 371

(House Bill 659)

AN ACT concerning

Criminal Procedure - Wiretapping - Exceptions for Out-of-State Interception

FOR the purpose of allowing certain information to be used and certain persons to disclose certain information concerning certain communications intercepted in out-of-state jurisdictions in certain proceedings if the interception was made in accordance with the law of the other jurisdiction under certain circumstances; requiring that a motion to suppress the contents of certain communications or certain evidence be made in accordance with the Maryland Rules; providing for the application of this Act; and generally relating to interception of wire, oral, and electronic communications.

BY repealing and reenacting, with amendments,