

Article - Courts and Judicial Proceedings

Section 10-405, 10-407(c), and 10-408(i)

Annotated Code of Maryland

(1998 Replacement Volume and 2000 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**

10-405.

(A) [Whenever] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHENEVER any wire or oral communication has been intercepted, no part of the contents of the communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision thereof if the disclosure of that information would be in violation of this subtitle.

(B) IF ANY WIRE OR ORAL COMMUNICATION IS INTERCEPTED IN ANY STATE OR ANY POLITICAL SUBDIVISION OF A STATE, THE UNITED STATES OR ANY TERRITORY, PROTECTORATE, OR POSSESSION OF THE UNITED STATES, INCLUDING THE DISTRICT OF COLUMBIA IN ACCORDANCE WITH THE LAW OF THAT JURISDICTION, BUT THAT WOULD BE IN VIOLATION OF THIS SUBTITLE IF THE INTERCEPTION WAS MADE IN THIS STATE, THE CONTENTS OF THE COMMUNICATION AND EVIDENCE DERIVED FROM THE COMMUNICATION MAY BE RECEIVED IN EVIDENCE IN ANY TRIAL, HEARING, OR OTHER PROCEEDING IN OR BEFORE ANY COURT, GRAND JURY, DEPARTMENT, OFFICER, AGENCY, REGULATORY BODY, LEGISLATIVE COMMITTEE, OR OTHER AUTHORITY OF THIS STATE, OR ANY POLITICAL SUBDIVISION OF THIS STATE IF:

(1) AT LEAST ONE OF THE PARTIES TO THE COMMUNICATION WAS OUTSIDE THE STATE DURING THE COMMUNICATION;

(2) THE INTERCEPTION WAS NOT MADE AS PART OF OR IN FURTHERANCE OF AN INVESTIGATION CONDUCTED BY OR ON BEHALF OF LAW ENFORCEMENT OFFICIALS OF THIS STATE; AND

(3) ALL PARTIES TO THE COMMUNICATION WERE CO-CONSPIRATORS IN A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B OF THE CODE.

10-407.

(c) (1) Any person who has received, by any means authorized by this subtitle, any information concerning a wire, oral, or electronic communication, or evidence derived therefrom intercepted in accordance with the provisions of this subtitle, may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any proceeding held under the