

**Article - Courts and Judicial Proceedings**

10-402.

(c) (4) (I) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication, if:

[(i)] 1. The law enforcement officer initially LAWFULLY detained a vehicle DURING A CRIMINAL INVESTIGATION OR for a traffic violation;

[(ii)] 2. The law enforcement officer is a party to the oral communication;

[(iii)] 3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;

[(iv)] 4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and

[(v)] 5. The oral interception is being made as part of a video tape recording.

(II) IF ALL OF THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH ARE MET, AN INTERCEPTION IS LAWFUL EVEN IF A PERSON BECOMES A PARTY TO THE COMMUNICATION FOLLOWING:

1. THE IDENTIFICATION REQUIRED UNDER SUBPARAGRAPH (I)3 OF THIS PARAGRAPH; OR

2. THE INFORMING OF THE PARTIES REQUIRED UNDER SUBPARAGRAPH (I)4 OF THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved April 25, 2002.

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**CHAPTER 108**
**(Senate Bill 21)**

AN ACT concerning

**Vehicle Laws— Alcoholic Beverage Consumption or Possession of Open or Unsealed Container**

FOR the purpose of expanding a prohibition against consumption of an alcoholic beverage while driving a motor vehicle on a highway to include the driver's consumption of an alcoholic beverage in a motor vehicle otherwise located on a highway; prohibiting a driver of a motor vehicle from possessing an open container that contains an alcoholic beverage under certain circumstances;