

4. MAKES A SHOWING THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL'S ACTIONS COULD HAVE THE EFFECT OF THWARTING INTERCEPTION FROM A SPECIFIED FACILITY; AND

5. SPECIFIES THAT INTERCEPTION WILL BE LIMITED TO ANY PERIOD OF TIME WHEN THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER HAS A REASONABLE, ARTICULABLE BELIEF THAT THE INDIVIDUAL IDENTIFIED IN THE APPLICATION WILL BE PROXIMATE TO THE INSTRUMENT COMMUNICATION DEVICE AND WILL BE USING THE INSTRUMENT COMMUNICATION DEVICE THROUGH WHICH THE COMMUNICATION WILL BE TRANSMITTED.

(c) (1) Upon the application the judge may enter an ex parte order, as requested or as modified, authorizing interception of wire, oral, or electronic communications within the territorial jurisdiction permitted under paragraphs (2) and (3) of this subsection, if the judge determines on the basis of the facts submitted by the applicant that:

(i) There is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in § 10-406 of this subtitle;

(ii) There is probable cause for belief that particular communications concerning that offense will be obtained through the interception;

(iii) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous; and

(iv) There is probable cause for belief:

1. [that] THAT the facilities from which, or the place where, the wire, oral, or electronic communications are to be intercepted are being used, or are about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by this person IN ACCORDANCE WITH SUBSECTION (A)(1) OF THIS SECTION; OR

2. THAT THE ACTIONS OF THE INDIVIDUAL WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED COULD HAVE THE EFFECT OF THWARTING AN INTERCEPTION FROM A SPECIFIED FACILITY IN ACCORDANCE WITH SUBSECTION (A)(2) OF THIS SECTION.

(2) Except as provided in [paragraph (3)] PARAGRAPHS (3) AND (4) of this subsection, an ex parte order issued under paragraph (1) of this subsection may authorize the interception of wire, oral, or electronic communications only within the territorial jurisdiction of the court in which the application was filed.

(e) (3) If an application for an ex parte order is made by the Attorney General, the State Prosecutor, or a State's Attorney, an order issued under paragraph (1) of this subsection may authorize the interception of communications received or sent by a [mobile telephone or a paging device] COMMUNICATION DEVICE anywhere within the State so as to permit the interception of the communications regardless of whether the [mobile telephone or paging device] COMMUNICATION DEVICE is