

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A STATE OFFICIAL OR EMPLOYEE MAY NOT DIRECTLY OR INDIRECTLY MONITOR OR RECORD IN ANY MANNER A TELEPHONE CONVERSATION MADE TO OR FROM A STATE UNIT.

(2) IF PRIOR APPROVAL IS GRANTED BY THE ATTORNEY GENERAL, A STATE OFFICIAL OR EMPLOYEE MAY MONITOR OR RECORD A TELEPHONE CONVERSATION:

(I) ON TELEPHONE LINES USED EXCLUSIVELY FOR INCOMING POLICE, FIRE, AND RESCUE CALLS; OR

(II) WITH RECORDER-CONNECTOR EQUIPMENT THAT AUTOMATICALLY PRODUCES A DISTINCTIVE RECORDER TONE REPEATED AT APPROXIMATELY 15-SECOND INTERVALS.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(C) DISMISSAL.

CONVICTION OF A VIOLATION OF THIS SECTION IS ALSO GROUNDS FOR IMMEDIATE DISMISSAL FROM STATE EMPLOYMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 555B.

In subsection (a) of this section, the reference to authorizing a State official or employee to monitor or record a telephone conversation on telephone lines used exclusively for incoming police, fire, and rescue calls with prior approval of the Attorney General is substituted for the former qualification that on telephone lines used for incoming police, fire, and rescue calls "it is not necessary to append" a recorder tone for clarity.

Also in subsection (a) of this section, the former phrase "contains a device" is deleted as surplusage.

Subsection (a)(2) of this section is revised to require only a single approval from the Attorney General to monitor a telephone conversation generally, using a 15-second beep tone, and to monitor a line used exclusively for incoming police, fire, and rescue calls, known as a "tone waiver eligible" telephone line and on which the beep tone is not used. Former Art. 27, § 555B(a) was unclear as to whether a single approval for monitoring sufficed, or whether a second, specific approval was needed to monitor without the beep tone on a tone waiver eligible line. The Attorney General advises that the practice has been to regard the general approval to monitor as tacit approval to monitor on a tone waiver eligible line. The revision reflects the practice of the Attorney General. See Letter of Advice from Attorney General J. Joseph Curran, Jr. to Judge Alan M. Wilner, p. 16 (October 17, 2000).