

Article - Courts and Judicial Proceedings

10-408.

(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 [of the court in which the judge is sitting] PERMITTED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, if the judge determines on the basis of the facts submitted by the applicant that:

[(1)] (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;

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

[(3)] (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

[(4)] (IV) There is probable cause for belief 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.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) 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.

(3) IF AN APPLICATION FOR EX PARTE ORDER IS MADE BY THE ATTORNEY GENERAL, THE STATE PROSECUTOR, OR A STATE'S ATTORNEY, AN ORDER ISSUED UNDER PARAGRAPH ~~(A)~~ (1) OF THIS SUBSECTION MAY AUTHORIZE THE INTERCEPTION OF COMMUNICATIONS RECEIVED OR SENT BY A MOBILE TELEPHONE ANYWHERE WITHIN ~~THE TERRITORIAL JURISDICTION OF~~ THE STATE SO AS TO PERMIT THE INTERCEPTION OF THE COMMUNICATIONS REGARDLESS OF WHETHER THE MOBILE TELEPHONE IS PHYSICALLY LOCATED WITHIN THE JURISDICTION OF THE COURT IN WHICH THE APPLICATION WAS FILED AT THE TIME OF THE INTERCEPTION. THE APPLICATION MUST ALLEGE THAT THE OFFENSE BEING INVESTIGATED MAY TRANSPIRE IN THE JURISDICTION OF THE COURT IN WHICH THE APPLICATION IS FILED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.