

Senate Bill No. 553

AN ACT concerning

Crimes - ~~Wiretapping~~ - ~~Exceptions~~ Child Pornography - Interception of Communications

FOR the purpose of adding child pornography ~~and unauthorized access to computers~~ to the offenses an investigative or law enforcement officer may lawfully investigate, under certain circumstances, by intercepting wire, oral, or electronic communications; adding child pornography ~~and unauthorized access to computers~~ to the offenses for which the Attorney General, the State Prosecutor, or a State's Attorney ~~must receive a court order for before lawfully intercepting~~ may apply to a certain judge to grant an order authorizing the lawful interception of ~~must receive a court order before lawfully intercepting~~ wire, oral, or electronic communications without prior consent from any party to the interception; and generally relating to the interception of communications.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 10-402(c)(2) and 10-406

Annotated Code of Maryland

(1995 Replacement Volume and 1997 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

10-402.

(c) (2) It is lawful under this subtitle for an investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence of the commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or second degree, child abuse, CHILD PORNOGRAPHY, AS DEFINED UNDER ARTICLE 27, §§ 419A AND 419B, ~~UNAUTHORIZED ACCESS TO COMPUTERS, AS PROVIDED UNDER ARTICLE 27, § 146 OF THE CODE~~, gambling, robbery, any felony punishable under the "Arson and Burning" subheading of Article 27, bribery, extortion, or dealing in controlled dangerous substances, including violations of Article 27, § 286B or § 287A, fraudulent insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article, offenses relating to destructive devices under Article 27, § 139C of the Code, or any conspiracy or solicitation to commit any of these offenses, or where any person has created a barricade situation and probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved, where the person is a party to the communication or one of the parties to the communication has given prior consent to the interception.