

Admissibility of Evidence – Intercepted Communications – Electronic

FOR the purpose of repealing a provision of law excluding a certain radio portion of certain telephone communications from a certain definition of “electronic communication”; prohibiting the admissibility of the contents of an intercepted electronic communication or information derived from an intercepted electronic communication as evidence in certain proceedings under certain circumstances; providing that an electronic communication that was intercepted in the violation of certain provisions of law may be admissible in certain proceedings under certain circumstances; and generally relating to the admissibility of evidence and intercepted electronic communications.

BY repealing and reenacting, without amendments,
 Article – Courts and Judicial Proceedings
 Section 10–401(11)
 Annotated Code of Maryland
 (2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 10–405
 Annotated Code of Maryland
 (2006 Replacement Volume and 2007 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

10–401.

As used in this subtitle the following terms have the meanings indicated:

(11) (i) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

(ii) “Electronic communication” does not include:

1. ~~The radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;~~

2. Any wire or oral communication;