

HOUSE BILL 345

E2

11r0985
CF SB 299

By: **Delegates Simmons, Cullison, Frank, Haddaway–Riccio, Hucker, Lee, Luedtke, W. Miller, Tarrant, F. Turner, and Wilson**
Introduced and read first time: February 2, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Wiretapping and Electronic Surveillance – Investigation of Human**
3 **Trafficking**

4 FOR the purpose of adding certain human trafficking offenses to those crimes for
5 which evidence may be gathered by interception of oral, wire, or electronic
6 communications; and generally relating to wiretap and electronic surveillance
7 and human trafficking.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 10–402(c)(2)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 10–402.

17 (c) (2) (i) This paragraph applies to an interception in which:

18 1. The investigative or law enforcement officer or other
19 person is a party to the communication; or

20 2. One of the parties to the communication has given
21 prior consent to the interception.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (ii) It is lawful under this subtitle for an investigative or law
2 enforcement officer acting in a criminal investigation or any other person acting at the
3 prior direction and under the supervision of an investigative or law enforcement officer
4 to intercept a wire, oral, or electronic communication in order to provide evidence:

5 1. Of the commission of:

6 A. Murder;

7 B. Kidnapping;

8 C. Rape;

9 D. A sexual offense in the first or second degree;

10 E. Child abuse in the first or second degree;

11 F. Child pornography under § 11–207, § 11–208, or
12 § 11–208.1 of the Criminal Law Article;

13 G. Gambling;

14 H. Robbery under § 3–402 or § 3–403 of the Criminal
15 Law Article;

16 I. A felony under Title 6, Subtitle 1 of the Criminal Law
17 Article;

18 J. Bribery;

19 K. Extortion;

20 L. Dealing in a controlled dangerous substance,
21 including a violation of § 5–617 or § 5–619 of the Criminal Law Article;

22 M. A fraudulent insurance act, as defined in Title 27,
23 Subtitle 4 of the Insurance Article;

24 N. An offense relating to destructive devices under
25 § 4–503 of the Criminal Law Article;

26 **O. A HUMAN TRAFFICKING OFFENSE UNDER**
27 **§ 11–303 OF THE CRIMINAL LAW ARTICLE;**

28 **[O.] P.** Sexual solicitation of a minor under § 3–324 of
29 the Criminal Law Article;

1 **[P.] Q.** An offense relating to obstructing justice under
2 § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;

3 **[Q.] R.** Sexual abuse of a minor under § 3–602 of the
4 Criminal Law Article; or

5 **[R.] S.** A conspiracy or solicitation to commit an
6 offense listed in items A through **[Q] R** of this item; or

7 2. If:

8 A. A person has created a barricade situation; and

9 B. Probable cause exists for the investigative or law
10 enforcement officer to believe a hostage or hostages may be involved.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2011.