

# HOUSE BILL 533

D1, E4, E1

5lr2268  
CF SB 628

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By: **Delegates Sydnor, Anderson, Bromwell, Brooks, Cluster, Haynes, Jalisi, Lam, McCray, Moon, Morales, Smith, Stein, Vallario, A. Washington, C. Wilson, and ~~P. Young~~ P. Young, Conaway, Carr, Korman, Waldstreicher, Kittleman, and B. Wilson**

Introduced and read first time: February 11, 2015

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 19, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Wiretapping and Electronic Surveillance – Body-Worn Digital Recording Device**  
3 **and Electronic Control Device – Exception**

4 FOR the purpose of establishing that it is lawful under a certain provision of law for a law  
5 enforcement officer to intercept a certain oral communication with a certain device  
6 under certain circumstances; defining certain terms; and generally relating to the  
7 interception of oral communications.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 10–402(c)(11)

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2014 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 10–402.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) (11) (i) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE  
2 THE MEANINGS INDICATED.

3 2. "BODY-WORN DIGITAL RECORDING DEVICE" MEANS A  
4 DEVICE WORN ON THE PERSON OF A LAW ENFORCEMENT OFFICER THAT IS CAPABLE  
5 OF RECORDING VIDEO AND INTERCEPTING ORAL COMMUNICATIONS.

6 3. "ELECTRONIC CONTROL DEVICE" HAS THE MEANING  
7 STATED IN § 4-109 OF THE CRIMINAL LAW ARTICLE.

8 (ii) IT IS LAWFUL UNDER THIS SUBTITLE FOR A LAW  
9 ENFORCEMENT OFFICER IN THE COURSE OF THE OFFICER'S REGULAR DUTY TO  
10 INTERCEPT AN ORAL COMMUNICATION WITH A BODY-WORN DIGITAL RECORDING  
11 DEVICE OR AN ELECTRONIC CONTROL DEVICE CAPABLE OF RECORDING VIDEO AND  
12 ORAL COMMUNICATIONS IF:

13 1. THE LAW ENFORCEMENT OFFICER IS IN UNIFORM,  
14 PROMINENTLY DISPLAYING THE OFFICER'S BADGE OR OTHER INSIGNIA;

15 2. THE LAW ENFORCEMENT OFFICER IS CONFORMING  
16 TO STANDARDS FOR THE USE OF BODY-WORN DIGITAL RECORDING DEVICES OR  
17 ELECTRONIC CONTROL DEVICES CAPABLE OF RECORDING VIDEO AND ORAL  
18 COMMUNICATIONS ESTABLISHED BY THE POLICE TRAINING COMMISSION OR THE  
19 DEPARTMENT OF STATE POLICE;

20 3. THE LAW ENFORCEMENT OFFICER IS A PARTY TO THE  
21 ORAL COMMUNICATION;

22 ~~2~~ 4. THE LAW ENFORCEMENT OFFICER, IF REASONABLE  
23 UNDER THE CIRCUMSTANCES, HAS BEEN IDENTIFIED AS A LAW ENFORCEMENT  
24 OFFICER TO THE OTHER PARTIES TO THE ORAL COMMUNICATION BEFORE THE ORAL  
25 INTERCEPTION; AND

26 ~~3~~ 5. THE ORAL INTERCEPTION IS BEING MADE AS PART OF  
27 A VIDEOTAPE OR DIGITAL RECORDING.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2015.