

# HOUSE BILL 1142

D3, E4

8lr3193  
CF SB 720

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By: **Delegates Malone, Atterbeary, Aumann, Carozza, Ciliberti, Cluster, Corderman, Kipke, Kittleman, McComas, Metzgar, and Shoemaker**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Interception of Oral Communication – Law Enforcement Officer**

3 FOR the purpose of repealing a requirement that a law enforcement officer provide a  
4 certain notice to an individual who is being recorded in a certain manner in order to  
5 lawfully intercept a certain oral communication; and generally relating to the  
6 interception of oral communication by a law enforcement officer.

7 BY repealing and reenacting, without amendments,

8 Article – Courts and Judicial Proceedings

9 Section 10–402(a)

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Courts and Judicial Proceedings

14 Section 10–402(c)(11)

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 10–402.

21 (a) Except as otherwise specifically provided in this subtitle it is unlawful for any  
22 person to:

23 (1) Willfully intercept, endeavor to intercept, or procure any other person

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to intercept or endeavor to intercept, any wire, oral, or electronic communication;

2 (2) Willfully disclose, or endeavor to disclose, to any other person the  
3 contents of any wire, oral, or electronic communication, knowing or having reason to know  
4 that the information was obtained through the interception of a wire, oral, or electronic  
5 communication in violation of this subtitle; or

6 (3) Willfully use, or endeavor to use, the contents of any wire, oral, or  
7 electronic communication, knowing or having reason to know that the information was  
8 obtained through the interception of a wire, oral, or electronic communication in violation  
9 of this subtitle.

10 (c) (11) (i) 1. In this paragraph the following words have the meanings  
11 indicated.

12 2. "Body-worn digital recording device" means a device worn  
13 on the person of a law enforcement officer that is capable of recording video and intercepting  
14 oral communications.

15 3. "Electronic control device" has the meaning stated in §  
16 4-109 of the Criminal Law Article.

17 (ii) It is lawful under this subtitle for a law enforcement officer in  
18 the course of the officer's regular duty to intercept an oral communication with a  
19 body-worn digital recording device or an electronic control device capable of recording video  
20 and oral communications if:

21 1. The law enforcement officer is in uniform or prominently  
22 displaying the officer's badge or other insignia;

23 2. The law enforcement officer is making reasonable efforts  
24 to conform to standards in accordance with § 3-511 of the Public Safety Article for the use  
25 of body-worn digital recording devices or electronic control devices capable of recording  
26 video and oral communications;

27 3. The law enforcement officer is a party to the oral  
28 communication; **AND**

29 4. [Law enforcement notifies, as soon as is practicable, the  
30 individual that the individual is being recorded, unless it is unsafe, impractical, or  
31 impossible to do so; and

32 5.] The oral interception is being made as part of a videotape  
33 or digital recording.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2018.