

SENATE BILL 259

E2

3lr1415
CF HB 219

By: **Senator Shank**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – No-Knock Search Warrants – Prior Notification of**
3 **County**

4 FOR the purpose of prohibiting a certain law enforcement officer from executing a
5 search warrant without giving notice of the officer's authority or purpose unless
6 the chief of a certain law enforcement agency is notified before the execution of
7 the warrant or there is a certain written agreement between a certain county
8 and a certain agency; and generally relating to no-knock search warrants.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 1–203(a)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2012 Supplement)

14 BY adding to
15 Article – Criminal Procedure
16 Section 1–203(f)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2012 Supplement)

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

21 **Article – Criminal Procedure**

22 1–203.

23 (a) (1) A circuit court judge or District Court judge may issue forthwith a
24 search warrant whenever it is made to appear to the judge, by application as described
25 in paragraph (2) of this subsection, that there is probable cause to believe that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) a misdemeanor or felony is being committed by a person or
2 in a building, apartment, premises, place, or thing within the territorial jurisdiction of
3 the judge; or

4 (ii) property subject to seizure under the criminal laws of the
5 State is on the person or in or on the building, apartment, premises, place, or thing.

6 (2) (i) An application for a search warrant shall be:

7 1. in writing;

8 2. signed and sworn to by the applicant; and

9 3. accompanied by an affidavit that:

10 A. sets forth the basis for probable cause as described in
11 paragraph (1) of this subsection; and

12 B. contains facts within the personal knowledge of the
13 affiant that there is probable cause.

14 (ii) An application for a search warrant may contain a request
15 that the search warrant authorize the executing law enforcement officer to enter the
16 building, apartment, premises, place, or thing to be searched without giving notice of
17 the officer's authority or purpose, on the grounds that there is reasonable suspicion to
18 believe that, without the authorization:

19 1. the property subject to seizure may be destroyed,
20 disposed of, or secreted; or

21 2. the life or safety of the executing officer or another
22 person may be endangered.

23 (3) The search warrant shall:

24 (i) be directed to a duly constituted police officer, the State Fire
25 Marshal, or a full-time investigative and inspection assistant of the Office of the State
26 Fire Marshal and authorize the police officer, the State Fire Marshal, or a full-time
27 investigative and inspection assistant of the Office of the State Fire Marshal to search
28 the suspected person, building, apartment, premises, place, or thing and to seize any
29 property found subject to seizure under the criminal laws of the State;

30 (ii) name or describe, with reasonable particularity:

31 1. the person, building, apartment, premises, place, or
32 thing to be searched;

