

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1232
Judiciary

(Delegate Swain, *et al.*)

Issuance of Search Warrant by Electronic Means Act of 2013

This bill expands the provision of law requiring an application for a search warrant to be in writing by authorizing an application for a search warrant to be submitted through any electronic or digital means.

Fiscal Summary

State Effect: None. The bill is enabling legislation that accommodates future system upgrades. It is assumed that a court that is incapable of accepting electronically submitted warrant applications will communicate that fact to affected entities and refuse electronic applications.

Local Effect: None. The bill is enabling legislation. It is assumed that a court that is incapable of accepting electronically submitted warrant applications will communicate that fact to affected entities and refuse electronic applications.

Small Business Effect: None.

Analysis

Current Law: A circuit court or District Court judge may issue a search warrant whenever it is made to appear to the judge that there is probable cause to believe that (1) a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the jurisdiction of the judge or (2) property subject to seizure is on the person or in or on the building, apartment, premises, place, or thing.

An application for a search warrant must be in (1) writing; (2) signed and sworn to by the applicant; and (3) accompanied by an affidavit that sets forth the basis for probable cause and contains facts within the personal knowledge of the affiant that there is probable cause.

State Expenditures: The Judiciary advises that implementing the programming changes needed to develop a new and secure electronic warrant application process with tracking capabilities requires 31,200 hours of computer programming at a cost of approximately \$2.7 million.

While the development of an electronic system may require significant expenditures, this bill alone does not result in increased expenditures since the bill (1) expands the current statute to accommodate an electronic process; (2) does not eliminate the ability to submit a warrant application in writing; and (3) does not require the development of an electronic system. This analysis assumes that a court that is incapable of accepting electronic warrant applications will communicate that fact to law enforcement agencies and other affected entities and refuse incompatible search warrant applications.

Additional Information

Prior Introductions: None.

Cross File: SB 946 (Senator Robey) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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mc/kdm

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