
By: Delegates Dembrow and R. Baker
Introduced and read first time: January 31, 1996
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Arrests and Searches - Community Policing**

3 FOR the purpose of establishing standards for law enforcement officers to follow when
4 conducting a search or making an arrest; providing for the construction of this Act;
5 and generally relating to searches and arrests.

6 BY adding to
7 Article 27 - Crimes and Punishments
8 Section 552 and 594C-2
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1995 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 552.

15 A LAW ENFORCEMENT OFFICER SHALL FOLLOW THE FOLLOWING STANDARDS
16 WHEN CONDUCTING A SEARCH, EITHER WITH OR WITHOUT A WARRANT:

17 (1) THE OFFICER MAY USE NO MORE FORCE THAN IS NECESSARY TO
18 EFFECTUATE THE SEARCH;

19 (2) UNLESS THERE ARE EXIGENT CIRCUMSTANCES, WHEN SEARCHING
20 A RESIDENCE THE OFFICER SHALL:

21 (I) KNOCK ON THE DOOR AND ANNOUNCE THE IDENTITY OF THE
22 OFFICER AND THE OFFICER'S LAW ENFORCEMENT AGENCY; AND

23 (II) DISPLAY TO THE INDIVIDUAL ANSWERING THE DOOR THE
24 SEARCH WARRANT, IF THE SEARCH IS BEING CONDUCTED WITH A WARRANT;

25 (3) ENSURE THAT THE SEARCH IS CONDUCTED IN A MANNER THAT
26 MINIMIZES UNNECESSARY INTRUSIONS ON PRIVACY; AND

27 (4) TAKE ALL REASONABLE PRECAUTIONS TO ENSURE THAT THERE
28 ARE NO UNNECESSARY PROPERTY DAMAGES, DISRUPTIONS TO A HOUSEHOLD OR
29 OFFICE OR PERSONAL INJURIES DURING THE SEARCH.

2

1 594C-2.

2 A LAW ENFORCEMENT OFFICER SHALL FOLLOW THE FOLLOWING STANDARDS
3 WHEN ARRESTING AN INDIVIDUAL:

4 (1) UNLESS IT IS CLEAR FROM THE CIRCUMSTANCES THAT THE
5 OFFICER IS ACTING IN AN OFFICIAL CAPACITY, THE OFFICER SHALL MAKE KNOWN
6 TO THE INDIVIDUAL BEING ARRESTED THAT THE OFFICER IS ACTING IN AN
7 OFFICIAL CAPACITY; AND

8 (2) THE OFFICER MAY USE REASONABLE FORCE TO ACCOMPLISH THE
9 ARREST AND DETENTION, BUT MAY USE NO MORE FORCE THAN IS NECESSARY TO
10 MAKE THE ARREST AND DETENTION EFFECTUAL.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
12 construed to limit or otherwise narrow the rights of persons who are subject to arrest or
13 search.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1996.