

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 545 (Delegates Rosenberg and Genn)  
Judiciary

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**Criminal Procedure - Search Warrants - Applications**

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This bill authorizes a judge to issue a search warrant based on an application that is communicated over the telephone or by other appropriate means, including a facsimile transmission, if the judge decides that it is impracticable to require a written application or a written affidavit. The finding of probable cause for a search warrant under the bill's provisions may be based on the same kind of evidence as is sufficient for a search warrant issued under written applications. Contents of a search warrant issued under the bill's provisions must be the same as contents issued from a written application. The bill further provides that telephone applications must be under oath and transcribed verbatim.

Evidence obtained under a search warrant issued under the bill's provisions is not subject to a motion to suppress on the ground that the circumstances did not make it impracticable to obtain the search warrant by written application.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund expenditures as discussed below. No effect on revenues.

**Local Effect:** Minimal increase in expenditures as discussed below. No effect on revenues.

**Small Business Effect:** None. The bill does not directly affect small businesses.

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## Fiscal Analysis

**State Expenditures:** The bill requires that oral testimony for a search warrant be recorded by the judge verbatim. This would require a recording device for a District Court duty judge to the extent that the search warrant is needed after court hours when a stenographer is not available. Electronic pagers or cellular phones may also be needed to reach duty judges who are not available at court. Currently, District Court judges are not supplied with this equipment. It is assumed that an electronic pager and a portable recorder would cost approximately \$180. If each of the 12 District Court districts would require three to five sets of pagers and recorders for the judges on duty, the increase in general fund expenditures would be between \$6,480 and \$10,800.

The provisions of the bill are not expected to significantly reduce the workload of the State Police as all the required documents must still be submitted to the issuing judge at a later date.

**Local Expenditures:** Assuming each of the 24 circuit court jurisdictions would also require three to five sets of pagers and recorders, the increase in local expenditures would be between \$12,960 and \$21,600.

The provisions of the bill are not expected to significantly reduce the workload of local police departments as all the required documents must still be submitted to the issuing judge at a later date.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Baltimore City, Department of Fiscal Services

**Fiscal Note History:** First Reader - February 21, 1997

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