

HOUSE BILL 209

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HB 278/98 - JUD

1999 Regular Session
9r1159
CF 9r1160

By: **Chairman, Judiciary Committee (Maryland Judicial Conference)**

Introduced and read first time: February 1, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Search Warrants - Territorial Jurisdictional Limits**

3 FOR the purpose of repealing a territorial limitation on issuance of search warrants
4 by judges of a circuit court; specifying that a search warrant is valid statewide;
5 clarifying that certain police officers are authorized to execute search warrants;
6 making stylistic changes; and generally relating to search warrants.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 551(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 551.

16 (a) Whenever it be made to appear to any judge of [any of the] A circuit
17 [courts in the counties of this State, or to any judge of] COURT OR the District Court,
18 by written application signed and sworn to by the applicant, accompanied by an
19 affidavit or affidavits containing facts within the personal knowledge of the affiant or
20 affiants, that there is probable cause, the basis of which shall be set forth in said
21 affidavit or affidavits, to believe that any misdemeanor or felony is being committed
22 by any individual or in any building, apartment, premises, place or thing within the
23 territorial [jurisdiction of such judge,] LIMITS OF THE STATE or that any property
24 subject to seizure under the criminal laws of the State is situated or located on the
25 person of any such individual or in or on any such building, apartment, premises,
26 place or thing, then the judge may forthwith issue a search warrant directed to AND
27 AUTHORIZING any duly constituted [policeman, or] police officer [authorizing him]
28 to search such suspected individual, building, apartment, premises, place or thing,
29 and to seize any property found liable to seizure under the criminal laws of this State,
30 provided that any such search warrant shall name or describe, with reasonable

1 particularity, the individual, building, apartment, premises, place or thing to be
2 searched, the grounds for such search and the name of the applicant on whose written
3 application as aforesaid the warrant was issued, and provided further that any search
4 or seizure under the authority of such search warrant, shall be made within 15
5 calendar days from the date of the issuance thereof and after the expiration of the
6 15-day period said warrant shall be null and void. If, at any time, on application to a
7 judge of [the] A circuit court [of any county or judge of] OR the District Court, it
8 appears that the property taken is not the same as that described in the warrant or
9 that there is no probable cause for believing the existence of the grounds on which the
10 warrant was issued, or that the property was taken under a warrant issued more
11 than 15 calendar days prior to the seizure, said judge must cause it to be restored to
12 the person from whom it was taken. In the discretion of the judge, an oral motion
13 made in open court may be received at any time making application for the return of
14 seized property if the application for return is based on the grounds that the property
15 taken is not the same as that described in the warrant, or that there is no probable
16 cause for believing the existence of the grounds on which the warrant was issued, or
17 that the property was taken under a warrant issued more than 15 calendar days prior
18 to the seizure. If the judge grants the oral motion, the order of the court shall be in
19 writing and a copy of the order shall be sent to the State's Attorney. If the judge
20 rejects the proffer on an oral motion and requires the person from whom the property
21 was taken to proceed for return of the seized property by petition and an order to
22 show cause to the police authority seizing the property and it is subsequently ordered
23 that the property be restored to the person from whom it was taken, court costs shall
24 not be assessed against the petitioner. However, if it appears that the property taken
25 is the same as that described in the warrant and that there is probable cause for
26 believing the existence of the grounds on which the warrant was issued, then said
27 judge shall order the same retained in the custody of the person seizing it or to be
28 otherwise disposed of according to law.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1999.