

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 633 (Delegates Rosenberg and Zirkin)

Judiciary

Criminal Procedure - Issuance of Search Warrants - Anticipatory Warrants

This bill allows the issuance of a search warrant if there is probable cause that a crime will be committed or that property subject to seizure will be located at a particular place.

The bill does not apply to any search warrant issued before the bill's October 1, 2000 effective date.

Fiscal Summary

State Effect: Efficiency savings for the State Police.

Local Effect: Efficiency savings for local law enforcement agencies.

Small Business Effect: None.

Analysis

Current Law: A search warrant may be issued if there is probable cause that a crime is being committed or property subject to seizure is located at a particular place.

State Fiscal Effect: The bill could result in efficiency savings for the State Police. Sometimes, especially in drug trafficking cases, investigating officers know in advance that a crime is going to be committed (e.g., a planned drug delivery). Under current law, however, a warrant cannot be issued until a crime actually occurs. This can hinder law enforcement officers from apprehending criminals and can require law enforcement officers to spend time waiting until a crime is committed before obtaining a warrant from a judge. If a judge is not available immediately after the crime is committed, there could be an additional delay.

Anticipatory search warrants would enable law enforcement to be ready to apprehend criminals earlier and reduce waiting time for law enforcement in some situations.

The bill is not expected to add materially to the Judiciary's workload.

Local Fiscal Effect: The bill could provide efficiency savings for local law enforcement units in a similar manner as for the State Police.

Additional Information

Prior Introductions: A bill that included similar provisions was introduced during the 1998 session as SB 706. That bill received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State's Attorneys' Association, Office of the Public Defender, Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2000
drg/jr

Analysis by: Claire E. Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510