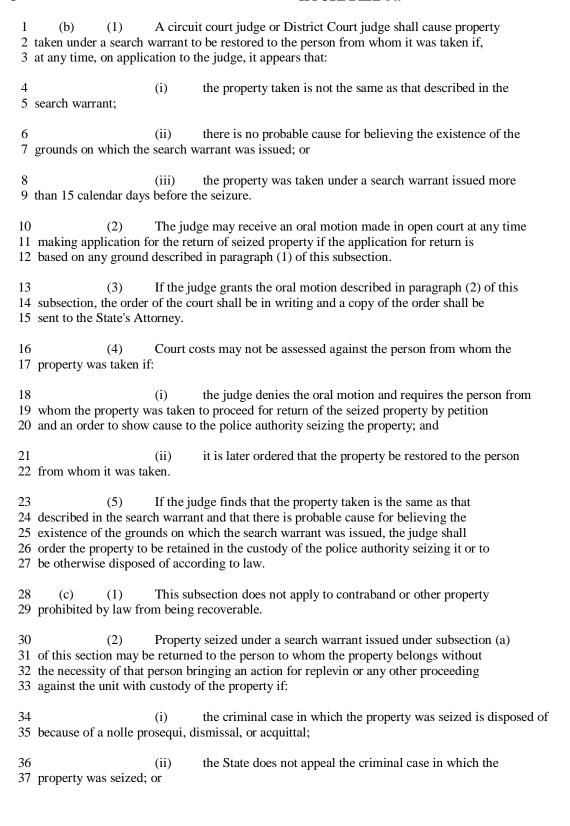
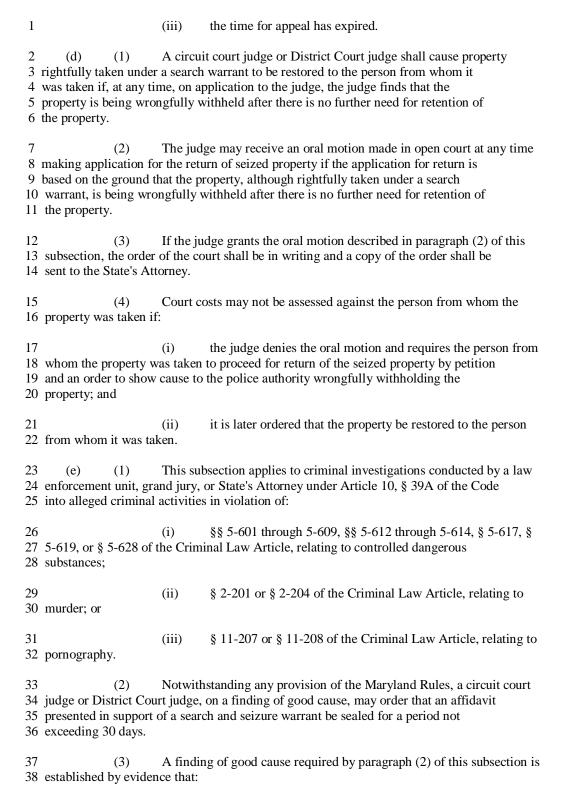
Unofficial Copy E2 2004 Regular Session 4lr0109

By: Chairman, Judiciary Committee (By Request - Departmental - State								
Police) Introduced and read first time: February 4, 2004								
Assigned to: Judiciary								
Committee Report: Favorable House action: Adopted								
								Read
	CHAPTER							
1	AN ACT concerning							
2	Criminal Procedure - State Fire Marshal - Search Warrants							
3	FOR the purpose of authorizing the State Fire Marshal or certain employees of the							
4	Office of the State Fire Marshal to receive and execute certain search warrants;							
5								
6	State Fire Marshal to search certain places or persons and seize certain							
7	property; authorizing the court to issue certain search warrants to the State							
8	Fire Marshal or certain employees of the Office of the State Fire Marshal; and							
9	generally relating to the authority of the State Fire Marshal and certain							
10	employees of the Office of the State Fire Marshal and search warrants.							
	BY repealing and reenacting, with amendments,							
12								
13								
14	· · · · · · · · · · · · · · · · · · ·							
15	(2001 Volume and 2003 Supplement)							
16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF							
17	MARYLAND, That the Laws of Maryland read as follows:							
18	Article - Criminal Procedure							
19	1-203.							
20 21	(a) (1) A circuit court judge or District Court judge may issue forthwith a search warrant whenever it is made to appear to the judge, by application as							

	described in paragraph (2) of this subsection, that there is probable cause to believe that:						
	building, apartment, p	(i) a misdemeanor or felony is being committed by a person or in a ing, apartment, premises, place, or thing within the territorial jurisdiction of the ;; or					
6 7	is on the person or in	(ii) or on the		subject to seizure under the criminal laws of the State apartment, premises, place, or thing.			
8	(2)	An appli	cation for	a search warrant shall be:			
9		(i)	in writing	;			
10		(ii)	signed and	d sworn to by the applicant; and			
11		(iii)	accompan	ied by an affidavit that:			
12 13	paragraph (1) of this	subsectio		ets forth the basis for probable cause as described in			
14 15	that there is probable	cause.	2. c	contains facts within the personal knowledge of the affiant			
16	(3)	The sear	ch warrant	t shall:			
19 20 21 22	(i) be directed to a duly constituted police officer, THE STATE FIRE MARSHAL, OR A FULL-TIME INVESTIGATIVE AND INSPECTION ASSISTANT OF THE OFFICE OF THE STATE FIRE MARSHAL and authorize the police officer, THE STATE FIRE MARSHAL, OR A FULL-TIME INVESTIGATIVE AND INSPECTION ASSISTANT OF THE OFFICE OF THE STATE FIRE MARSHAL to search the suspected person, building, apartment, premises, place, or thing and to seize any property found subject to seizure under the criminal laws of the State; and						
24		(ii)	name or d	lescribe, with reasonable particularity:			
25 26	to be searched;		1. ti	he person, building, apartment, premises, place, or thing			
27			2. ti	he grounds for the search; and			
28 29	warrant was issued.		3. ti	he name of the applicant on whose application the search			
30 31	(4) shall be made within	(i) 15 calend		h and seizure under the authority of a search warrant ter the day that the search warrant is issued.			
32 33	void.	(ii)	After the	expiration of the 15-day period, the search warrant is			





	a continuing nature ar	•	the criminal investigation to which the affidavit is related is of ely to yield further information that could be of use in a lactivities; and			
4 5	would:	(ii)	the failure to maintain the confidentiality of the investigation			
6 7	investigation;		1.	jeopardize the use of information already obtained in the		
8			2.	impair the continuation of the investigation; or		
9			3.	jeopardize the safety of a source of information.		
10	(4)	After th	ne order sealing the affidavit expires, the affidavit shall be:			
11		(i)	unseale	d; and		
12		(ii)	delivere	ed within 15 days:		
13			1.	to the person from whom the property was taken; or		
	to the person apparer taken.	ntly in cha	2. arge of the	if that person is not on the premises at the time of delivery, ne premises from which the property was		
17	SECTION 2 AN		r DUDTI	IED ENACTED. That this Act shall take		

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 18 effect October 1, 2004.