

---

By: **Senator Gladden**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative and Regulatory Searches - Law Enforcement Officers -**  
3 **Search Warrant Requirements**

4 FOR the purpose of prohibiting a law enforcement officer, regardless of whether the  
5 officer is accompanied by or claims to be acting on behalf of the Comptroller, the  
6 Comptroller's authorized deputies, inspectors, or clerks, the board of license  
7 commissioners of the county or the city in which a place of business is located, or  
8 its duly authorized agents or employees, or the Secretary of Health and Mental  
9 Hygiene or an agent or employee of the Secretary, from entering a place of  
10 business to search for evidence of a crime without a valid search warrant; and  
11 generally relating to search warrant requirements for certain searches by law  
12 enforcement officers.

13 BY repealing and reenacting, with amendments,  
14 Article 2B - Alcoholic Beverages  
15 Section 16-405  
16 Annotated Code of Maryland  
17 (2001 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Health - General  
20 Section 2-104(1)  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume and 2003 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article - Health - General  
25 Section 2-104(m)  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume and 2003 Supplement)

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

1

**Article 2B - Alcoholic Beverages**

2 16-405.

3 (A) The Comptroller, his duly authorized deputies, inspectors and clerks, the  
4 board of license commissioners of the county or the city in which the place of business  
5 is located, its duly authorized agents and employees, and any peace officer of such  
6 county or city, or any of them, shall be fully authorized to inspect and search, without  
7 warrant, at all hours, any building, vehicle and premises in which any alcoholic  
8 beverages are authorized to be kept, transported, manufactured or sold under a  
9 license or permit issued under the provisions of this article, and any evidence  
10 discovered during any such inspections shall be admissible in any prosecution for the  
11 violation of the provisions of this or any other article, or upon any hearing for  
12 revocation, suspension or restriction of the license or permit. Any alcoholic beverages  
13 taken as evidence shall be returned to the license or permit holder if he be adjudged  
14 not guilty; otherwise it shall be sold to license holders, turned over to State  
15 institutions for medicinal use or destroyed. Receipts from such sales shall be credited  
16 to the general fund account of the State, county or Baltimore City as the case may be.

17 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A LAW  
18 ENFORCEMENT OFFICER, REGARDLESS OF WHETHER THE OFFICER IS  
19 ACCOMPANIED BY OR CLAIMS TO BE ACTING ON BEHALF OF THE COMPTROLLER, THE  
20 COMPTROLLER'S AUTHORIZED DEPUTIES, INSPECTORS, OR CLERKS, THE BOARD OF  
21 LICENSE COMMISSIONERS OF THE COUNTY OR THE CITY IN WHICH A PLACE OF  
22 BUSINESS IS LOCATED, OR ITS DULY AUTHORIZED AGENTS OR EMPLOYEES, MAY NOT  
23 ENTER A PLACE OF BUSINESS TO SEARCH FOR EVIDENCE OF A CRIME WITHOUT A  
24 VALID SEARCH WARRANT.

25

**Article - Health - General**

26 2-104.

27 (1) (1) The Secretary or an agent or employee of the Secretary may enter, at  
28 any reasonable hour, a place of business or public premises if the entry is necessary to  
29 carry out a duty under this article or the Health Occupations Article.

30 (2) A person may not deny or interfere with an entry under this  
31 subsection.

32 (3) A person who violates any provision of this subsection is guilty of a  
33 misdemeanor and on conviction is subject to a fine not exceeding \$100.

34 (4) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A LAW  
35 ENFORCEMENT OFFICER, REGARDLESS OF WHETHER THE OFFICER IS  
36 ACCOMPANIED BY OR CLAIMS TO BE ACTING ON BEHALF OF THE SECRETARY OR AN  
37 AGENT OR EMPLOYEE OF THE SECRETARY, MAY NOT ENTER A PLACE OF BUSINESS  
38 TO SEARCH FOR EVIDENCE OF A CRIME WITHOUT A VALID SEARCH WARRANT.

1 (m) The Secretary shall carry out and enforce the provisions of this article, the  
2 rules and regulations of the Department, and any other provisions of law that relate  
3 to the Secretary or the Department.

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