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5lr2593 CF 5lr2697

By: Delegates Anderson, C. Davis, Dumais, Kelley, Kelly, McComas, Quinter, Shank, Sophocleus, Vallario, and Zirkin Introduced and read first time: February 4, 2005 Assigned to: Judiciary Committee Report: Favorable House action: Adopted Read second time: March 8, 2005						
1 AN ACT concerning						
2 Criminal Procedure - "No-Knock" Warrants - Authority						
3 FOR the purpose of allowing an application for a search warrant to contain a request 4 that the search warrant authorize the executing law enforcement officer to enter 5 the building, apartment, premises, place, or thing to be searched without giving 6 notice of the officer's authority or purpose; providing grounds for the request; 7 allowing a search warrant to authorize a certain law enforcement officer to 8 enter a certain building, apartment, premises, place, or thing without giving a 9 certain notice, under certain circumstances; providing for the application of this 10 Act; and generally relating to search warrants. 11 BY repealing and reenacting, with amendments, 12 Article - Criminal Procedure 13 Section 1-203(a) 14 Annotated Code of Maryland 15 (2001 Volume and 2004 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 (a) (1) A circuit court judge or District Court judge may issue forthwith a 21 search warrant whenever it is made to appear to the judge, by application as						

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	described in paragrap that:	h (2) of tl	his subse	ction, that	there is probable cause to believe
	building, apartment, pjudge; or	(i) premises,			felony is being committed by a person or in a hin the territorial jurisdiction of the
6 7	is on the person or in	(ii) or on the			o seizure under the criminal laws of the State nt, premises, place, or thing.
8	(2)	(I)	An appl	ication fo	r a search warrant shall be:
9		[(i)]	1.	in writin	g;
10		[(ii)]	2.	signed an	nd sworn to by the applicant; and
11		[(iii)]	3.	accompa	nied by an affidavit that:
12 13	paragraph (1) of this	subsectio	[1.] on; and	A.	sets forth the basis for probable cause as described in
14 15	affiant that there is p	robable c	[2.] ause.	B.	contains facts within the personal knowledge of the
18 19 20	REQUEST THAT T ENFORCEMENT O OR THING TO BE S AUTHORITY OR P	FFICER SEARCH URPOSE	RCH WA TO ENT ED WIT E, ON TH	RRANT ER THE I HOUT GI E GROU	ON FOR A SEARCH WARRANT MAY CONTAIN A AUTHORIZE THE EXECUTING LAW BUILDING, APARTMENT, PREMISES, PLACE, IVING NOTICE OF THE OFFICER'S NDS THAT THERE IS REASONABLE THE AUTHORIZATION:
22 23	DESTROYED, DISI	POSED C	1. OF, OR SI		OPERTY SUBJECT TO SEIZURE MAY BE D; OR
24 25	ANOTHER PERSO	N MAY E	2. BE ENDA		FE OR SAFETY OF THE EXECUTING OFFICER OR D.
26	(3)	The sear	rch warra	int shall:	
29 30 31 32	State Fire Marshal ar full-time investigativ Marshal to search the	nd authoring and inspected suspected	gative an ize the popection a person	d inspection of the discontinuous discontinu	ally constituted police officer, the State Fire on assistant of the Office of the er, the State Fire Marshal, or a f the Office of the State Fire, apartment, premises, place, or seizure under the criminal laws of the
34		(ii)	name or	describe,	with reasonable particularity:
35 36	to be searched;		1.	the perso	on, building, apartment, premises, place, or thing

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1		2.	the grounds for the search; and				
2 3	warrant was issued; AND	3.	the name of the applicant on whose application the search				
6	TO ENTER THE BUILDING,	AUTHOI APART	RANTED BY APPLICATION AS DESCRIBED IN PARAGRAPH RIZE THE EXECUTING LAW ENFORCEMENT OFFICER MENT, PREMISES, PLACE, OR THING TO BE FICE OF THE OFFICER'S AUTHORITY OR PURPOSE.				
8 9	(4) (i) shall be made within 15 calend		rch and seizure under the authority of a search warrant fter the day that the search warrant is issued.				
10 11	void.	After the	e expiration of the 15-day period, the search warrant is				
14	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any application for a search warrant made before the effective date of this Act.						

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect