
By: **Delegate Marriott (By Request - Baltimore City Administration)**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Search and Seizure Warrants - Sealed Affidavit**

3 FOR the purpose of repealing a certain limitation on the applicability of certain
4 provisions authorizing a court to order that a certain affidavit be sealed under
5 certain circumstances; ~~increasing the time period for which a certain affidavit~~
6 ~~may be sealed under certain circumstances~~; providing that a court may grant
7 one ~~or more extensions~~ extension of time that a certain affidavit is to remain
8 sealed under certain circumstances; and generally relating to search and seizure
9 warrants.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Procedure
12 Section 1-203(e)
13 Annotated Code of Maryland
14 (2001 Volume and 2004 Supplement)

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

17 **Article - Criminal Procedure**

18 1-203.

19 (e) (1) [This subsection applies to criminal investigations conducted by a
20 law enforcement unit, grand jury, or State's Attorney under Article 10, § 39A of the
21 Code into alleged criminal activities in violation of:

1 (i) §§ 5-601 through 5-609, §§ 5-612 through 5-614, § 5-617, §
2 5-619, or § 5-628 of the Criminal Law Article, relating to controlled dangerous
3 substances;

4 (ii) § 2-201 or § 2-204 of the Criminal Law Article, relating to
5 murder; or

6 (iii) § 11-207 or § 11-208 of the Criminal Law Article, relating to
7 pornography.]

8 [(2)] Notwithstanding any provision of the Maryland Rules, a circuit court
9 judge or District Court judge, on a finding of good cause, may order that an affidavit
10 presented in support of a search and seizure warrant be sealed for a period not
11 exceeding {30} 60 days.

12 [(3)] (2) A finding of good cause required by paragraph [(2)] (1) of this
13 subsection is established by evidence that:

14 (i) the criminal investigation to which the affidavit is related is of
15 a continuing nature and likely to yield further information that could be of use in
16 prosecuting alleged criminal activities; and

17 (ii) the failure to maintain the confidentiality of the investigation
18 would:

19 1. jeopardize the use of information already obtained in the
20 investigation;

21 2. impair the continuation of the investigation; or

22 3. jeopardize the safety of a source of information.

23 (3) A COURT MAY GRANT ONE OR MORE 45-DAY EXTENSIONS 30-DAY
24 EXTENSION OF THE TIME THAT AN AFFIDAVIT PRESENTED IN SUPPORT OF A SEARCH
25 AND SEIZURE WARRANT IS TO REMAIN SEALED IF:

26 (I) LAW ENFORCEMENT PROVIDES CONTINUED EVIDENCE AS
27 DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION; AND

28 (II) THE COURT MAKES A FINDING OF GOOD CAUSE BASED ON THE
29 EVIDENCE.

30 (4) After the order sealing the affidavit expires, the affidavit shall be:

31 (i) unsealed; and

32 (ii) delivered within 15 days:

33 1. to the person from whom the property was taken; or

