

**ENROLLED BILL**  
-- Judicial Proceedings/Judiciary --

Introduced by **Senator McFadden**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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)

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

3 **Article - Criminal Procedure**

4 1-203.

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

8 (i) §§ 5-601 through 5-609, §§ 5-612 through 5-614, § 5-617, §  
9 5-619, or § 5-628 of the Criminal Law Article, relating to controlled dangerous  
10 substances;

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

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

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

19 [(3)] (2) A finding of good cause required by paragraph [(2)] (1) of this  
20 subsection is established by evidence that:

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

24 (ii) the failure to maintain the confidentiality of the investigation  
25 would:

26 1. jeopardize the use of information already obtained in the  
27 investigation;

28 2. impair the continuation of the investigation; or

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

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

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

1  
2 EVIDENCE.

(II) THE COURT MAKES A FINDING OF GOOD CAUSE BASED ON THE

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

4 (i) unsealed; and

5 (ii) delivered within 15 days:

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

7 2. if that person is not on the premises at the time of delivery,  
8 to the person apparently in charge of the premises from which the property was  
9 taken.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2005.