

Department of Legislative Services  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

Senate Bill 30 (Senator Muse)  
Judicial Proceedings

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**Criminal Procedure - Search Warrant - Deployment of SWAT Team**

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This bill establishes requirements for a search warrant to be executed by deployment of a “SWAT team.” A circuit court judge or District Court judge may issue a search warrant to be executed by the deployment of a “SWAT team” whenever it is made to appear to the judge, according to the application submitted, that there is probable cause to believe that a felony is being committed by a person or in a building, apartment, premises, place, location, or area within the territorial jurisdiction of the judge. The bill has prospective application.

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**Fiscal Summary**

**State Effect:** The bill’s requirements can be handled with existing budgeted resources.

**Local Effect:** The bill’s requirements can be handled with existing budgeted local resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill defines “SWAT team” as a special unit composed of two or more law enforcement officers within a law enforcement agency trained to deal with unusually dangerous or violent situations and having special equipment and weapons. An application for a SWAT team search warrant must (1) be in writing; (2) be signed and sworn to by the applicant; (3) be reviewed, signed, and sworn to by the State’s Attorney for the county in which the warrant will be executed; (4) contain a request that the search warrant authorize the executing law enforcement agency to deploy a SWAT team; and (5) be accompanied by an affidavit that sets forth the probable cause basis of the warrant and facts within the personal knowledge of the affiant that there is probable cause.

**Current Law:** A circuit court or District Court judge may issue a search warrant whenever it is made to appear to the judge that there is probable cause to believe that (1) a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the jurisdiction of the judge; or (2) property subject to seizure is on the person or in or on the building, apartment, premises, place, or thing.

An application for a search warrant must be in (1) writing; (2) signed and sworn to by the applicant; and (3) accompanied by an affidavit that sets forth the basis for probable cause and contains facts within the personal knowledge of the affiant that there is probable cause.

A law enforcement officer may request, in an application for a search warrant, that a building, apartment, premises, place, or thing be searched without the officer having to provide notice of the officer's authority or purpose. To execute such a warrant (also referred to as a "no-knock warrant"), the officer must have a reasonable suspicion that, without the authorization, the property subject to search or seizure may be destroyed, disposed of, or secreted or the life or safety of the executing officer or another person may be in danger. This warrant authorizes the executing law enforcement officer to enter the building, apartment, premises, place, or to search a thing without giving notice of the officer's authority or purpose.

Any search and seizure made under the authority of a search warrant must be made within 15 calendar days after the day the warrant was issued. A search warrant is void after this 15-day period.

### *Reporting Requirements*

Chapters 542 and 543 of 2009 require that, beginning January 1, 2010, a "law enforcement agency" that maintains a SWAT team report the following information to the Governor's Office of Crime Control and Prevention (GOCCP) and the appropriate county or municipal governing body, on a biannual basis:

- the number of times the team was activated and deployed by the law enforcement agency in the previous six months;
- the name of the county and/or municipality and zip code of the location where the team was deployed for each activation;
- the reason for each activation and deployment;
- the legal authority, including type of warrant, if any, for each activation and deployment; and
- the result of each activation and deployment, including: (1) the number of arrests made, if any; (2) whether property was seized; (3) whether a forcible entry was made; (4) whether a weapon was discharged by a SWAT team member; and (5) whether a person or domestic animal was injured or killed by a team member.

The Police Training Commission (PTC), in consultation with GOCCP, is required to develop a standardized format for the reports. GOCCP is required to analyze and summarize the biannual reports and submit a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency before September 1 of each year.

If a law enforcement agency fails to comply with the reporting provisions, GOCCP must report the noncompliance to PTC. Upon receipt of a noncompliance report, PTC must contact the law enforcement agency and request that the agency comply with the required reporting provisions. If the agency fails to comply within 30 days after such a request, GOCCP and PTC must jointly report the noncompliance to the Governor and the Legislative Policy Committee.

The provisions of Chapters 542 and 543 terminate June 30, 2014.

**Background:** In July 2008, members of the Prince George's County Sheriff's Department SWAT team raided the home of the Mayor of the Town of Berwyn Heights in search of a drug-filled package that had been addressed to the residence. Investigations subsequent to the SWAT team raid indicated that the mayor and his family were victims of a smuggling scheme that used FedEx to ship drugs and that they knew nothing about the box intercepted by police. Two dogs belonging to the mayor's family were shot and killed by SWAT team members during the raid.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - January 22, 2010  
mpc/kdm

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