SENATE BILL 259

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3lr1415 CF HB 219

By: **Senator Shank** Introduced and read first time

Introduced and read first time: January 18, 2013 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Criminal Procedure – No–Knock Search Warrants – Prior Notification of 3 County

FOR the purpose of prohibiting a certain law enforcement officer from executing a
search warrant without giving notice of the officer's authority or purpose unless
the chief of a certain law enforcement agency is notified before the execution of
the warrant or there is a certain written agreement between a certain county
and a certain agency; and generally relating to no-knock search warrants.

- 9 BY repealing and reenacting, with amendments,
- 10 Article Criminal Procedure
- 11 Section 1–203(a)
- 12 Annotated Code of Maryland
- 13 (2008 Replacement Volume and 2012 Supplement)
- 14 BY adding to
- 15 Article Criminal Procedure
- 16 Section 1–203(f)
- 17 Annotated Code of Maryland
- 18 (2008 Replacement Volume and 2012 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 20 MARYLAND, That the Laws of Maryland read as follows:
- 21

Article – Criminal Procedure

22 1-203.

(a) (1) A circuit court judge or District Court judge may issue forthwith a
search warrant whenever it is made to appear to the judge, by application as described
in paragraph (2) of this subsection, that there is probable cause to believe that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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$egin{array}{c} 1 \\ 2 \\ 3 \end{array}$	(i) a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the territorial jurisdiction of the judge; or
4 5	(ii) property subject to seizure under the criminal laws of the State is on the person or in or on the building, apartment, premises, place, or thing.
6	(2) (i) An application for a search warrant shall be:
7	1. in writing;
8	2. signed and sworn to by the applicant; and
9	3. accompanied by an affidavit that:
10 11	A. sets forth the basis for probable cause as described in paragraph (1) of this subsection; and
$\begin{array}{c} 12 \\ 13 \end{array}$	B. contains facts within the personal knowledge of the affiant that there is probable cause.
14 15 16 17 18	(ii) An application for a search warrant may contain a request that the search warrant authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose, on the grounds that there is reasonable suspicion to believe that, without the authorization:
$\begin{array}{c} 19\\ 20 \end{array}$	1. the property subject to seizure may be destroyed, disposed of, or secreted; or
$\begin{array}{c} 21 \\ 22 \end{array}$	2. the life or safety of the executing officer or another person may be endangered.
23	(3) The search warrant shall:
24 25 26 27 28 29	(i) be directed to a duly constituted police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal to search the suspected person, building, apartment, premises, place, or thing and to seize any property found subject to seizure under the criminal laws of the State;
30	(ii) name or describe, with reasonable particularity:
$\frac{31}{32}$	1. the person, building, apartment, premises, place, or thing to be searched;

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2. the grounds for the search; and 1 $\mathbf{2}$ 3. the name of the applicant on whose application the 3 search warrant was issued; and 4 SUBJECT TO SUBSECTION (F) OF THIS SECTION AND if (iiii) warranted by application as described in paragraph (2) of this subsection, authorize $\mathbf{5}$ 6 the executing law enforcement officer to enter the building, apartment, premises, 7 place, or thing to be searched without giving notice of the officer's authority or 8 purpose. 9 (4)(i) The search and seizure under the authority of a search warrant shall be made within 15 calendar days after the day that the search warrant 10 is issued. 11 12After the expiration of the 15-day period, the search (ii) 13 warrant is void. 14A LAW ENFORCEMENT OFFICER WHO IS EMPLOYED BY A LAW **(F)** 15ENFORCEMENT AGENCY OTHER THAN THE PRIMARY LAW ENFORCEMENT AGENCY OF THE COUNTY WHERE THE OFFICER INTENDS TO EXECUTE A SEARCH 16 17WARRANT MAY NOT EXECUTE THE SEARCH WARRANT WITHOUT GIVING NOTICE OF THE OFFICER'S AUTHORITY OR PURPOSE UNLESS: 18 19(1) THE CHIEF OF THE PRIMARY LAW ENFORCEMENT AGENCY OF 20THE COUNTY WHERE THE SEARCH IS TO BE CONDUCTED IS NOTIFIED BEFORE 21THE EXECUTION OF THE WARRANT; OR 22(2) THERE IS A WRITTEN AGREEMENT BETWEEN THE COUNTY 23WHERE THE SEARCH IS TO BE CONDUCTED AND THE AGENCY THAT EMPLOYS THE OFFICER AUTHORIZING AN OFFICER OF THAT AGENCY TO EXECUTE A 2425SEARCH WARRANT IN THE COUNTY WITHOUT GIVING NOTICE OF THE OFFICER'S 26AUTHORITY OR PURPOSE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2013.

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