

HOUSE BILL 1133

E2

8lr2572

By: **Delegate Conaway**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Law Enforcement Procedures – Consent Search of Motor**
3 **Vehicle**

4 FOR the purpose of prohibiting a police officer from basing the authority to search a certain
5 motor vehicle solely on the officer obtaining a certain consent; establishing that a
6 search conducted in violation of this Act is unreasonable and that evidence obtained
7 in violation of this Act may not be introduced in a criminal proceeding; and generally
8 relating to law enforcement procedures.

9 BY adding to

10 Article – Criminal Procedure

11 Section 2–109

12 Annotated Code of Maryland

13 (2008 Replacement Volume and 2017 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 **2–109.**

18 **(A) A POLICE OFFICER MAY NOT BASE THE AUTHORITY TO SEARCH A MOTOR**
19 **VEHICLE, AS DEFINED IN § 11–135 OF THE TRANSPORTATION ARTICLE, SOLELY ON**
20 **THE OFFICER OBTAINING THE CONSENT OF THE OWNER OR OCCUPANT OF THE**
21 **MOTOR VEHICLE.**

22 **(B) (1) ANY SEARCH OF A MOTOR VEHICLE CONDUCTED IN VIOLATION OF**
23 **THIS SECTION IS UNREASONABLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION MAY NOT BE**
2 **INTRODUCED IN A CRIMINAL PROCEEDING.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018.