

HOUSE BILL 188

E2, E4

11r0719

(PRE-FILED)

By: **Delegate Grammer**

Requested: September 18, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **No-Knock Warrants – Elimination**
3 **(Duncan’s Act)**

4 FOR the purpose of repealing a provision of law authorizing an application for a search
5 warrant to contain a request authorizing the executing law enforcement officer to
6 enter a building, apartment, premises, place, or thing to be searched without giving
7 notice of the officer’s authority or purpose under certain circumstances; providing
8 that an application for a search warrant may not contain a request that the search
9 warrant authorize the executing law enforcement officer to enter the building,
10 apartment, premises, place, or thing to be searched without giving a certain notice;
11 repealing a provision of law requiring the issuance of a search warrant exempting a
12 law enforcement officer from providing certain notice under certain circumstances;
13 repealing a provision of law requiring the Maryland Police Training and Standards
14 Commission to consult and cooperate with commanders of SWAT teams to develop
15 certain standards; providing that a law enforcement officer may not enter a certain
16 building, apartment, premises, place, or thing without providing certain notice;
17 providing for the application of this Act; and generally relating to the elimination of
18 “no-knock warrants”.

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 1–203(a)(2)(vi) and (3)
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2020 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Public Safety
26 Section 3–207(a)(24)
27 Annotated Code of Maryland
28 (2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Public Safety
3 Section 3–523
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2020 Supplement)

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

8 **Article – Criminal Procedure**

9 1–203.

10 (a) (2) (vi) An application for a search warrant may **NOT** contain a request
11 that the search warrant authorize the executing law enforcement officer to enter the
12 building, apartment, premises, place, or thing to be searched without giving notice of the
13 officer’s authority or purpose[, on the grounds that there is reasonable suspicion to believe
14 that, without the authorization:

15 1. the property subject to seizure may be destroyed, disposed
16 of, or secreted; or
17 2. the life or safety of the executing officer or another person
18 may be endangered].

19 (3) The search warrant shall:

20 (i) be directed to a duly constituted police officer, the State Fire
21 Marshal, or a full–time investigative and inspection assistant of the Office of the State Fire
22 Marshal and authorize the police officer, the State Fire Marshal, or a full–time
23 investigative and inspection assistant of the Office of the State Fire Marshal to search the
24 suspected person, building, apartment, premises, place, or thing and to seize any property
25 found subject to seizure under the criminal laws of the State; **AND**

26 (ii) name or describe, with reasonable particularity:

27 1. the person, building, apartment, premises, place, or thing
28 to be searched;
29 2. the grounds for the search; and
30 3. the name of the applicant on whose application the search
31 warrant was issued[; and

32 (iii) if warranted by application as described in paragraph (2) of this
33 subsection, authorize the executing law enforcement officer to enter the building,

1 apartment, premises, place, or thing to be searched without giving notice of the officer's
2 authority or purpose].

3 **Article – Public Safety**

4 3–207.

5 (a) The Commission has the following powers and duties:

6 (24) to consult and cooperate with commanders of SWAT teams to develop
7 standards for training and deployment of SWAT teams [and of law enforcement officers
8 who are not members of a SWAT team who conduct no-knock warrant service in the State]
9 based on best practices in the State and nationwide.

10 **3–523.**

11 **A LAW ENFORCEMENT OFFICER WHO IS EXECUTING A SEARCH WARRANT MAY**
12 **NOT, FOR THE PURPOSE OF EXECUTING THE WARRANT, ENTER THE BUILDING,**
13 **APARTMENT, PREMISES, PLACE, OR THING SPECIFIED IN THE WARRANT TO BE**
14 **SEARCHED UNLESS REASONABLE NOTICE OF THE OFFICER'S AUTHORITY AND**
15 **PURPOSE HAS BEEN GIVEN TO ANY INDIVIDUAL INSIDE THE BUILDING, APARTMENT,**
16 **PREMISES, PLACE, OR THING SPECIFIED IN THE WARRANT.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
18 apply only prospectively and may not be applied or interpreted to have any effect on or
19 application to any application for a search warrant made before the effective date of this
20 Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.