

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 188
Judiciary

(Delegate Grammer)

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

This bill establishes that a law enforcement officer who is executing a search warrant may not, for the purpose of executing the warrant, enter the building, apartment, premises, place, or thing specified in the warrant to be searched unless reasonable notice of the officer’s authority and purpose has been given to any individual inside the building, apartment, premises, place, or thing specified in the warrant. The bill may only be applied prospectively and may not be interpreted to have any effect on or any application to any application for a search warrant made before the bill’s October 1, 2021 effective date.

Fiscal Summary

State Effect: The bill is procedural and is not expected to materially affect State finances or operations.

Local Effect: The bill is procedural and is not expected to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The bill makes several conforming changes pertaining to the warrant application and authorization process and training standards. First, the bill repeals a provision in current law that allows an application for a search warrant to request authorization for the executing law enforcement officer to engage in the aforementioned actions without giving notice of the officer’s authority or purpose on the grounds that there is reasonable suspicion to believe that, without the authorization (1) the property subject to

seizure may be destroyed, disposed of, or secreted or (2) the life or safety of the executing officer or another person may be endangered. Second, the bill specifically prohibits an application for a search warrant from containing a request for such an authorization. Third, the bill repeals a requirement that a search warrant must authorize the executing law enforcement officer to engage in the aforementioned actions if the warrant application justifies the request on the grounds specified above. Finally, the bill repeals a reference to “no-knock” warrant service in statutory provisions regarding the Maryland Police Training and Standards Commission.

Current Law: A circuit court or District Court judge may issue a search warrant whenever a warrant application makes it apparent 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, dated, 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 justify the request for 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. If the warrant application justifies this request on these grounds, the search warrant must authorize the executing law enforcement officer to engage in these actions.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford, Montgomery, and Talbot counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2021
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