

BY: Delegate Grammer

AMENDMENTS TO HOUSE BILL 444, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Immigration Enforcement Agreements – Prohibition**” and substitute “**Law Enforcement – Prohibitions**”; in line 3, after the first “of” insert “providing that certain evidence obtained through the use of an unmanned aircraft is inadmissible in a criminal, civil, or administrative proceeding; repealing provisions of law relating to no-knock search warrants;”; in line 5, after “agreement;” insert “prohibiting a unit of State government or a political subdivision of the State from deploying or operating an unmanned aircraft subject to certain exceptions; prohibiting a unit of State government or a political subdivision of the State from using certain information acquired through the use of an unmanned aircraft; altering a prohibition against using the number of arrests made, investigations conducted, citations issued, or warrants served or executed by a law enforcement officer as a criterion for the evaluation, compensation, discipline, promotion, demotion, dismissal, or transfer of the officer; prohibiting law enforcement agencies from requiring, suggesting, requesting, or directing certain actions by a law enforcement officer; prohibiting persistent aerial surveillance by a certain unit, agency, or political subdivision to gather certain evidence or information in a criminal investigation, subject to certain exceptions;”; in line 7, strike “immigration enforcement” and substitute “public safety”; after line 7, insert:

“BY adding to

Article - Courts and Judicial Proceedings

Section 10-926

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments.

Article - Criminal Procedure
Section 1-203
Annotated Code of Maryland
(2025 Replacement Volume)";

and after line 12, insert:

“BY adding to
Article - Public Safety
Section 1-701 and 1-702 to be under the new subtitle “Subtitle 7. Use of
Unmanned Aircraft by State and Local Government”; and 3-535
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article - Public Safety
Section 3-207(a)(24), 3-504(b), and 3-525
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,
Article - Public Safety
Section 3-504(a)
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,
Article - Transportation
Section 5-101(a) and (e)
Annotated Code of Maryland
(2020 Replacement Volume and 2025 Supplement)".

AMENDMENT NO. 2

On page 1, after line 14, insert:

“Article – Courts and Judicial Proceedings”

10-926.

ANY EVIDENCE OBTAINED THROUGH THE USE OF AN UNMANNED AIRCRAFT IN VIOLATION OF § 1-702 OF THE PUBLIC SAFETY ARTICLE IS INADMISSIBLE IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDING.”;

and after line 15, insert:

“1-203.

(a) (1) [In this subsection, “no-knock search warrant” means a search warrant that authorizes the executing law enforcement officer to enter a building, apartment, premises, place, or thing to be searched without giving notice of the officer’s authority or purpose.]

(2) 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 [(3)] (2) of this subsection, that there is probable cause to believe that:

(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

(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.

(Over)

[(3)] (2) (i) An application for a search warrant shall be:

1. in writing;
2. signed, dated, and sworn to by the applicant; and
3. accompanied by an affidavit that:

A. sets forth the basis for probable cause as described in paragraph (1) of this subsection; and

B. contains facts within the personal knowledge of the affiant that there is probable cause.

(ii) An application for a search warrant may be submitted to a judge:

1. by in-person delivery of the application, the affidavit, and a proposed search warrant;

2. by secure fax, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted; or

3. by secure electronic mail, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted.

(iii) The applicant and the judge may converse about the search warrant application:

1. in person;
2. via telephone; or

3. via video.

(iv) The judge may issue the search warrant:

1. by signing the search warrant, indicating the date and time of issuance on the search warrant, and physically delivering the signed and dated search warrant, the application, and the affidavit to the applicant;

2. by signing the search warrant, writing the date and time of issuance on the search warrant, and sending complete and printable images of the signed and dated search warrant, the application, and the affidavit to the applicant by secure fax; or

3. by signing the search warrant, either electronically or in writing, indicating the date and time of issuance on the search warrant, and sending complete and printable images of the signed and dated search warrant, the application, and the affidavit to the applicant by secure electronic mail.

(v) The judge shall file a copy of the signed and dated search warrant, the application, and the affidavit with the court.

[(vi) 1. If approved in writing by a police supervisor and the State's Attorney, an application for a search warrant may contain a request that the search warrant be a no-knock search warrant, on the ground that there is reasonable suspicion to believe that, without the authorization the life or safety of the executing officer or another person may be endangered.

2. An application for a no-knock search warrant under this subparagraph shall contain:

A. a description of the evidence in support of the

(Over)

application;

B. an explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a no-knock search warrant;

C. an explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods;

D. acknowledgment that any police officers who will execute the search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members;

E. a statement as to whether the search warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours; and

F. a list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known.

3. A no-knock search warrant shall be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances.]

(VI) A SEARCH WARRANT MAY NOT AUTHORIZE A LAW ENFORCEMENT OFFICER TO ENTER THE BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED WITHOUT FIRST GIVING NOTICE OF THE OFFICER'S AUTHORITY AND PURPOSE.

[(4)] (3) The search warrant shall:

(i) be directed to a duly constituted [police] LAW ENFORCEMENT 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] LAW ENFORCEMENT 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; AND

(ii) name or describe, with reasonable particularity:

1. the person, building, apartment, premises, place, or thing to be searched;

2. the grounds for the search; and

3. the name of the applicant on whose application the search warrant was issued[; and

(iii) if warranted by application as described in paragraph (3) of this subsection, 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].

[(5)] (4) (i) The search and seizure under the authority of a search warrant shall be made within 10 calendar days after the day that the search warrant is issued.

(ii) After the expiration of the 10-day period, the search warrant is void.

[(6)] (5) The executing law enforcement officer shall give a copy of the

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search warrant, the application, and the affidavit to an authorized occupant of the premises searched or leave a copy of the search warrant, the application, and the affidavit at the premises searched.

[(7)] (6) (i) The executing law enforcement officer shall prepare a detailed search warrant return which shall include the date and time of the execution of the search warrant.

(ii) The executing law enforcement officer shall:

1. give a copy of the search warrant return to an authorized occupant of the premises searched or leave a copy of the return at the premises searched; and

2. file a copy of the search warrant return with the court in person, by secure fax, or by secure electronic mail.

[(8)] (7) (i) In this paragraph, “exigent circumstances” retains its judicially determined meaning.

(ii) While executing a search warrant, a [police] LAW ENFORCEMENT officer shall be clearly recognizable and identifiable as a [police] LAW ENFORCEMENT officer, wearing a uniform, badge, and tag bearing the name and identification number of the [police] LAW ENFORCEMENT officer.

(iii) 1. This subparagraph applies to a [police] LAW ENFORCEMENT officer whose law enforcement agency requires the use of body-worn cameras.

2. A [police] LAW ENFORCEMENT officer executing a search warrant shall use a body-worn camera during the course of the search in

accordance with the policies established by the [police] LAW ENFORCEMENT officer's law enforcement agency.

(iv) [Unless executing a no-knock search warrant, a police] A LAW ENFORCEMENT OFFICER 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 LAW ENFORCEMENT OFFICER'S AUTHORITY AND PURPOSE HAS BEEN GIVEN TO ANY INDIVIDUAL INSIDE THE BUILDING, APARTMENT, PREMISES, PLACE, OR THING SPECIFIED IN THE WARRANT.

(v) A LAW ENFORCEMENT officer shall allow a minimum of 20 seconds for the occupants of a residence to respond and open the door before the [police] LAW ENFORCEMENT officer attempts to enter the residence, absent exigent circumstances.

[(v)] (vi) A [police] LAW ENFORCEMENT officer may not use flashbang, stun, distraction, or other similar military-style devices when executing a search warrant, absent exigent circumstances.

(b) (1) A circuit court judge or District Court judge shall cause property taken under a search warrant to be restored to the person from whom it was taken if, at any time, on application to the judge, it appears that:

(i) the property taken is not the same as that described in the search warrant;

(ii) there is no probable cause for believing the existence of the grounds on which the search warrant was issued; or

(iii) the property was taken under a search warrant issued more than 15 calendar days before the seizure.

(2) The judge may receive an oral motion made in open court at any time making application for the return of seized property if the application for return is based on any ground described in paragraph (1) of this subsection.

(3) If the judge grants the oral motion described in paragraph (2) of this subsection, the order of the court shall be in writing and a copy of the order shall be sent to the State's Attorney.

(4) Court costs may not be assessed against the person from whom the property was taken if:

(i) the judge denies the oral motion and requires the person from whom the property was taken to proceed for return of the seized property by petition and an order to show cause to the police authority seizing the property; and

(ii) it is later ordered that the property be restored to the person from whom it was taken.

(5) If the judge finds that the property taken is the same as that described in the search warrant and that there is probable cause for believing the existence of the grounds on which the search warrant was issued, the judge shall order the property to be retained in the custody of the police authority seizing it or to be otherwise disposed of according to law.

(c) (1) This subsection does not apply to contraband or other property prohibited by law from being recoverable.

(2) Property seized under a search warrant issued under subsection (a) of this section may be returned to the person to whom the property belongs without the

necessity of that person bringing an action for replevin or any other proceeding against the unit with custody of the property if:

(i) the criminal case in which the property was seized is disposed of because of a nolle prosequi, dismissal, or acquittal;

(ii) the State does not appeal the criminal case in which the property was seized; or

(iii) the time for appeal has expired.

(d) (1) A circuit court judge or District Court judge shall cause property rightfully taken under a search warrant to be restored to the person from whom it was taken if, at any time, on application to the judge, the judge finds that the property is being wrongfully withheld after there is no further need for retention of the property.

(2) The judge may receive an oral motion made in open court at any time making application for the return of seized property if the application for return is based on the ground that the property, although rightfully taken under a search warrant, is being wrongfully withheld after there is no further need for retention of the property.

(3) If the judge grants the oral motion described in paragraph (2) of this subsection, the order of the court shall be in writing and a copy of the order shall be sent to the State's Attorney.

(4) Court costs may not be assessed against the person from whom the property was taken if:

(i) the judge denies the oral motion and requires the person from whom the property was taken to proceed for return of the seized property by petition and an order to show cause to the police authority wrongfully withholding the property;

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and

(ii) it is later ordered that the property be restored to the person from whom it was taken.

(e) (1) Notwithstanding any provision of the Maryland Rules, a circuit court judge or District Court judge, on a finding of good cause, may order that an affidavit presented in support of a search and seizure warrant be sealed for a period not exceeding 30 days.

(2) A finding of good cause required by paragraph (1) of this subsection is established by evidence that:

(i) the criminal investigation to which the affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal activities; and

(ii) the failure to maintain the confidentiality of the investigation would:

1. jeopardize the use of information already obtained in the investigation;

2. impair the continuation of the investigation; or

3. jeopardize the safety of a source of information.

(3) A court may grant one 30-day extension of the time that an affidavit presented in support of a search and seizure warrant is to remain sealed if:

(i) law enforcement provides continued evidence as described in paragraph (2) of this subsection; and

(ii) the court makes a finding of good cause based on the evidence.

(4) After the order sealing the affidavit expires, the affidavit shall be:

(i) unsealed; and

(ii) delivered within 15 days:

1. to the person from whom the property was taken; or

2. if that person is not on the premises at the time of delivery, to the person apparently in charge of the premises from which the property was taken.”.

On page 2, after line 19, insert:

“Article – Public Safety

SUBTITLE 7. USE OF UNMANNED AIRCRAFT BY STATE AND LOCAL GOVERNMENT.

1-701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AIRCRAFT” MEANS A DEVICE THAT IS USED OR INTENDED TO BE USED FOR FLIGHT IN THE AIR.

(Over)

(C) “UNMANNED AIRCRAFT” MEANS AN AIRCRAFT THAT IS OPERATED WITHOUT THE POSSIBILITY OF DIRECT HUMAN INTERVENTION FROM WITHIN OR ON THE AIRCRAFT.

1-702.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A UNIT OF STATE GOVERNMENT OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT:

(1) DEPLOY OR OPERATE AN UNMANNED AIRCRAFT FOR SURVEILLANCE, EVIDENCE COLLECTION, OR ANY OTHER PURPOSE; OR

(2) USE INFORMATION ACQUIRED THROUGH THE USE OF AN UNMANNED AIRCRAFT OPERATED BY ANY ENTITY, WHETHER PUBLIC OR PRIVATE.

(B) A UNIT OF STATE GOVERNMENT OR A POLITICAL SUBDIVISION OF THE STATE MAY DEPLOY OR OPERATE AN UNMANNED AIRCRAFT:

(1) IN ACCORDANCE WITH A VALID SEARCH WARRANT ISSUED BY A JUDGE;

(2) AT A LOCATION FOR THE PURPOSE OF EXECUTING AN ARREST WARRANT;

(3) IN FRESH PURSUIT OF A SUSPECT, IN ACCORDANCE WITH § 2-301 OF THE CRIMINAL PROCEDURE ARTICLE;

(4) TO ASSIST IN AN ACTIVE SEARCH AND RESCUE OPERATION;

(5) TO LOCATE AN ESCAPED PRISONER;

(6) IF A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT THE USE OF AIRCRAFT IS NECESSARY TO PREVENT IMMINENT SERIOUS BODILY HARM TO AN INDIVIDUAL; OR

(7) IF THE UNITED STATES SECRETARY OF HOMELAND SECURITY DETERMINES THAT CREDIBLE INTELLIGENCE INDICATES THAT THERE IS A HIGH RISK OF A TERRORIST ATTACK BY A SPECIFIC INDIVIDUAL OR ORGANIZATION AND THAT USE OF AN UNMANNED AIRCRAFT IS NECESSARY TO COUNTER THE RISK.

3-207.

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

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

3-504.

(a) In this section, “quota” means the mandating of a finite number of arrests made or citations issued that a law enforcement officer must meet in a specified time period.

(b) A law enforcement agency may not:

(1) establish OR MAINTAIN a formal or informal quota for the law enforcement agency or law enforcement officers of the agency; [or]

(Over)

(2) use the number of arrests made [or], INVESTIGATIONS CONDUCTED, citations issued, OR WARRANTS SERVED OR EXECUTED by a law enforcement officer as [the sole or primary] A criterion for EVALUATION, COMPENSATION, DISCIPLINE, promotion, demotion, dismissal, or transfer of the officer; OR

(3) REQUIRE, SUGGEST, OR REQUEST ENFORCEMENT ACTIONS OR DIRECT AN OFFICER TO ACT FOR THE PURPOSE OF INCREASING THE NUMBER OF INVESTIGATIONS CONDUCTED, WARRANTS SERVED OR EXECUTED, OR CITATIONS OR ARRESTS DELIVERED BY THE OFFICER.

3-525.

(a) (1) In this section the following words have the meanings indicated.

(2) “Law enforcement agency” has the meaning stated in § 3-201 of this title.

(3) “[No-knock search warrant” means a search warrant authorizing entry into a building, an apartment, a premises, a place, or a thing to be searched without giving notice of the officer’s authority or purpose.

(4) “[Police officer” has the meaning stated in § 3-201 of this title.

[(5)] (4) “[SWAT team” means a special unit composed of two or more police officers within a law enforcement agency trained to deal with unusually dangerous or violent situations and having special equipment and weapons, including rifles more powerful than those carried by regular police officers.

(b) A law enforcement agency shall report the following information relating to search warrants executed by the law enforcement agency during the prior calendar

year to the Governor's Office of Crime Prevention and Policy using the format developed under subsection (c) of this section:

[(1) the number of times a no-knock search warrant was executed in the previous year;

(2) the name of the county and municipal corporation and the zip code of the location where each no-knock search warrant was executed;]

[(3)] (1) for each search warrant executed, the number of days from the issuance until the execution of the search warrant[, disaggregated by whether the search warrant was a no-knock search warrant];

[(4) the legal basis for each no-knock search warrant issued;]

[(5)] (2) the number of times a search warrant was executed under circumstances in which a police officer made forcible entry into the building, apartment, premises, place, or thing to be searched specified in the warrant;

[(6)] (3) the number of times a SWAT team was deployed to execute a search warrant;

[(7)] (4) the number of arrests made, if any, during the execution of a search warrant;

[(8)] (5) the number of times property was seized during the execution of a search warrant;

[(9)] (6) the number of times a weapon was discharged by a police officer during the execution of a search warrant; and

[(10)] (7) the number of times a person or domestic animal was injured or killed during the execution of a search warrant, disaggregated by whether the person or animal was injured or killed by a police officer.

3-535.

(A) IN THIS SECTION, “PERSISTENT AERIAL SURVEILLANCE” MEANS THE USE OF AIRCRAFT, AS DEFINED IN § 5-101 OF THE TRANSPORTATION ARTICLE, TO RECORD VIDEO OR A CONCURRENT SERIES OF IMAGES OR PICTURES THAT WHEN VIEWED IN AGGREGATE DEPICT A PERSON’S ACTIONS OVER TIME.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A UNIT OR AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT CONDUCT PERSISTENT AERIAL SURVEILLANCE TO GATHER EVIDENCE OR OTHER INFORMATION IN A CRIMINAL INVESTIGATION.

(C) A UNIT OR AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY CONDUCT PERSISTENT AERIAL SURVEILLANCE:

(1) IN ACCORDANCE WITH A VALID SEARCH WARRANT ISSUED BY A JUDGE;

(2) ON A LOCATION FOR THE PURPOSE OF EXECUTING AN ARREST WARRANT;

(3) IN FRESH PURSUIT OF A SUSPECT, AS DEFINED IN § 2-304 OF THE CRIMINAL PROCEDURE ARTICLE;

(4) TO ASSIST IN AN ACTIVE SEARCH AND RESCUE OPERATION;

(5) TO LOCATE AN ESCAPED PRISONER;

(6) IF A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT THE USE OF AIRCRAFT IS NECESSARY TO PREVENT IMMINENT SERIOUS BODILY HARM TO AN INDIVIDUAL; OR

(7) IF THE UNITED STATES SECRETARY OF HOMELAND SECURITY DETERMINES THAT CREDIBLE INTELLIGENCE INDICATES THAT THERE IS A HIGH RISK OF A TERRORIST ATTACK BY A SPECIFIC INDIVIDUAL OR ORGANIZATION AND THAT PERSISTENT AERIAL SURVEILLANCE IS NECESSARY TO COUNTER SUCH A RISK.

Article – Transportation

5–101.

- (a) In this title the following words have the meanings indicated.**
- (e) “Aircraft” means any device used or designed for navigation of or flight in the air.”.**