

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 329
Criminal Procedure – Warrants - Issuance
DATE: January 25, 2021
(2/12)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 329. House Bill 329 prohibits a judicial officer from issuing a warrant to enter a residence for the arrest of a suspect unless the judicial officer finds there is an independent articulated connection of the suspect to the residence demonstrating a clear and convincing likelihood that the suspect or contraband directly related to the suspect will be located at the residence.

This bill is unclear as written. First, this bill creates new standards for issuing a warrant to enter a residence—“independent articulated connection” between the suspect and the residence, and a “clear and convincing likelihood” that the suspect or evidence sought is at the residence. Currently, courts apply the “probable cause” standard when issuing warrants, and this bill would seem to replace that established standard with new, unclear standards.

In addition, this bill appears to apply to search warrants rather than to arrest warrants as stated in the bill itself.

cc. Hon. Jon Cardin
Judicial Council
Legislative Committee
Kelley O’Connor