



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman, and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 9, 2021

RE: **HB 188 No-Knock Warrants – Elimination (Duncan’s Act)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs’ Association (MSA) **OPPOSE HB 188**. This bill prohibits law enforcement from seeking a no-knock warrant under any circumstances.

Under current law, law enforcement may seek, when applying for a search warrant, a request to enter a home, building, premises, etc without first providing notice to the occupant of the officer’s authority or purpose for entering the premises. These warrants, otherwise referred to as no-knock warrants, are sought when an officer has reasonable suspicion that, if the officer announced him or herself, the property subject to search or seizure may be destroyed or disposed of, or the officer or another person may be in danger. This type of search warrant is a valuable tool for law enforcement and MCPA and MSA cannot support the elimination of this option.

As an alternative, MCPA and MSA recommend amending the bill to require preapproval by a law enforcement official with the appropriate level of authority and experience. With respect to the State’s Attorney, MCPA and MSA suggest the bill be amended to include a designee should the actual elected State’s Attorney not be available. MCPA and MSA believe this is a more reasonable approach for addressing concerns with no-knock warrants. It places a higher standard on their use, but still provides this approach as an option if warranted.

For these reasons, MCPA and MSA **OPPOSE** HB 188, but express our willingness to work with the Committee on alternate approaches to address concerns.