

Bill Number: HB 329
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 329
WARRANTS – ISSUANCE

I write in opposition to House Bill 329 that would prevent a judicial officer from issuing “a warrant” to enter a residence to arrest a suspect unless certain demonstrations are made.

At the outset I am not sure what type of “warrant” is being limited here. The statute being proposed comes right after Criminal Procedure §1-203 dealing with search warrants and §1-203.1 dealing with the ability to obtain location information. If the proposed bill is a limitation on search warrants it should say so.

Nonetheless, this bill goes beyond that which the Constitution and the Fourth Amendment requires. Maryland already has an extensive process for obtaining a search warrant. The law requires probable cause to enter a residence. Once probable cause is established that either items of a crime will be found or a criminal will be found that is all the Constitution requires. In addition, most police departments have policies that supervisors must check the residence and the address on the search warrant to assure the correct place is searched.

Why should Maryland give more rights to a Defendant than the Constitution requires? I urge an unfavorable report.