

Bill Number: HB 188
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed Requesting Amendment

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
OPPOSED REQUESTING AMENDMENT OF HOUSE BILL 188
NO-KNOCK WARRANTS – ELIMINATION (DUNCAN'S ACT)

House Bill 188 would ban no-knock warrants. No-knock warrants are used when the safety of officers is in danger. No-knock warrants also can be used when there is a risk that evidence will be destroyed. It is not just drug cases where evidence needs to be preserved. It could be any kind of case including a homicide. If DNA from a murder is on an article of clothing this could be burned in a fireplace and lost forever while officers are knocking and announcing.

I believe no-knock warrants are an important tool for law enforcement's safety and to preserve evidence. Currently the law requires that the officer articulate in the warrant why it must be a no-knock warrant. That provision must be approved by a Judge. These requirements to articulate why and approval by a Judge is what the Fourth Amendment is all about. I do not believe we need House Bill 188.

If you would like additional protections, some counties in Maryland and some other states have required that the State's Attorney's Office in the jurisdiction seeking the warrant sign off on the no-knock provision.

You could even add to the law the language from House Bill 188 requiring a police supervisor approval.

Under this scenario an officer would have to swear a no-knock warrant is needed, a supervisor would have to approve, a prosecutor would have to agree and sign, and a Judge would have to approve and sign.

With those four requirements there would be more than sufficient checks and balances regarding no-knock warrants. I oppose House Bill 188 as written for officer safety. If you feel additional protectors are needed please consider an amendment.