

Bill Number: HB 27

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 27
NO-KNOCK WARRANTS

I write in opposition to House Bill 27 that eliminates law enforcement's ability to execute no-knock search warrants, but also limits the time of day a knock and serve search warrant can be executed. Passing HB 27 will put officer safety at risk and will greatly affect law enforcement's ability to do their job.

Previously the General Assembly passed a Bill that created extensive protections for the issuance of no-knock search warrants. The Bill has only been in effect for a short time. The statute can be found at Criminal Procedure 1-203.

No-knock search warrants allow officers to enter a location without first knocking. They are used for the officer's safety. Current law requires that no-knock search warrants be approved by an officer's supervisor. No-knock search warrants must be signed by the elected State's Attorney; therefore, it is one of the only two duties the State's Attorney may not delegate to an Assistant State's Attorney. The other duty being a wiretap. The signature of the State's Attorney was done so that someone politically accountable would be a party to this important decision.

These warrants may only be issued if the life or safety of the executing officers or another person could be endangered. An application for a non-knock search warrant shall contain a description of the evidence in support of the application, 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, an explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods, and 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.

Also included in the application is 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, 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, and a no-knock search warrant shall be executed between 8:00am and 7:00pm absent exigent circumstances.

Additional requirements are that entering officers must be clearly recognizable as police officers and if the agency has body cameras, then the entering officers shall use

their body camera. All these added protections and double checks strike an important balance between protection of the public and police officer safety. Outlawing no-knock warrants put law enforcement at risk.

Another section of the Bill, number five, found on page four, limits all search warrants to execution to only between 8:00am and 7:00pm. What are police to do if a murder happens in a house at 8:00pm and they need to do a search for the murder weapon? Does it make sense that police have to wait 12 hours before they can conduct very important public safety work. Crimes do not just happen between 8am and 7pm and; therefore, investigators should not be limited to those hours.

I urge an unfavorable report.