

HB0835_RichardKaplowitz_FWA

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TESTIMONY ON HB#/0835- POSITION: FAVORABLE WITH AMENDMENTS

Criminal Procedure - No-Knock Search Warrants

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0835, Criminal Procedure - No-Knock Search Warrants

This bill appears to be a response to the illegal and constitutional actions of DHS and ICE. As reported by the Brennan Center there exists a *DHS Warrantless Home Entry Memo's Fourth Amendment Problem - New ICE directive goes against longstanding policy — and the Constitution.*¹

The Cornell Law School Legal Information Institute defines:²

A no-knock warrant is a [search warrant](#) authorizing police officers to enter certain [premises](#) without first knocking and announcing their presence or purpose prior to entering the premises. Such warrants are issued where an [entry](#) pursuant to the [knock-and-announce rule](#) (ie. an announcement prior to entry) would lead to the destruction of the objects for which the police are searching or would compromise the safety of the police or another individual. The requirement that announcing police presence would result in destruction of objects or compromise safety is judged by a [reasonable suspicion](#) standard.

While they serve as a tool for law enforcement, no-knock warrants are controversial due to risks of, at times, fatal, violent, or wrongful raids. They are often used in high-stakes situations such as murder investigations or during the War on Drugs. The practice has come under intense scrutiny, with some jurisdictions moving to limit or eliminate them following public outcry.³

The American Immigration Council has stated:⁴

The aggressive actions of federal immigration agents in Minnesota and cities around the country have drawn attention to an important truth: Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP, which includes U.S. Border Patrol) agents are routinely going far beyond what the law allows them to do. Their aggressive tactics on the ground are backed up by unprecedented interpretations of their legal authorities, with the

¹ <https://www.brennancenter.org/our-work/analysis-opinion/dhs-warrantless-home-entry-memos-fourth-amendment-problem>

² https://www.law.cornell.edu/wex/no-knock_warrant#:~:text=A%20no%2Dknock%20warrant%20is%20a%20search%20warrant,safety%20of%20the%20polic%20or%20another%20individual

³ Google AI Search "why have no-knock search warrants"

⁴ <https://www.americanimmigrationcouncil.org/fact-sheet/ice-cbp-legal-analysis/>

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agencies secretly adopting aggressive new policies toward entering homes and making arrests without judicial warrants.

In some cases, the Trump administration's actions have taken advantage of broadly-worded provisions in federal law that they argue allow immigration agents a lot of power – despite what people's common-sense intuitions might be about what is allowed. In other cases, agency guidance and lack of accountability have combined to undermine the force of law, allowing immigration officials to engage in widespread violations.

This bill would repeal the authority for the issuance and execution of a no-knock search warrant; establishing that a warrant may not authorize an officer to enter a building, apartment, premises, or place without first announcing the officer's purpose and authority; specifying that a warrant may be executed only between 8:00 a.m. and 7:00 p.m.; and requiring an officer executing a search warrant, before entering certain areas to be searched, to give reasonable notice to alert any occupants of the officer's authority and purpose.

I favor an amendment to the bill in which these warrants may not be issued for immigration enforcement without specific constitutional guarantees on the conduct of the resulting contemplated actions by law enforcement. The persons conducting such a no-knock immigration raid may not be issued that warrant absent proof it is criminal actions and not civil immigration violations that are the reason for the warrant request. Police can maintain this regrettable but sometimes necessary action but with stronger controls over what specific actions are or are not permitted in exercising that warrant.

I respectfully urge this committee to return a favorable with amendments report on HB#/0835.