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Date: February 24, 2026

Bill Number: HB 464

Position: Unfavorable

The Maryland State's Attorneys' Association (MSAA) submits this letter in opposition of House Bill 464 - Criminal Law - Criminal Procedure - No-Knock Search Warrants – Repeal, which seeks to repeal “No Knock” Warrants.

On October 1, 2021, the Police Accountability Act went into effect. This law created additional safeguards on the use of warrants, which permit officers to enter a location without first knocking, known as “no-knock” warrants. The key safeguards implemented are that: 1) no knock warrants must be signed by the State's Attorney – delegation is prohibited; and 2) no knock warrants may only be executed between 8 am and 7 pm, barring exigent circumstances.

As passed in 2021, the Act's language reflects an appreciation of the delicate balance that must be struck between ensuring the safety of the community and the safety of the officers.

No-knock warrants are used to protect officers' lives. The criminal investigations that give rise to no-knock warrant use are the most violent, often involving complex criminal enterprises.

An application for a no-knock search warrant shall contain:

- a description of the evidence in support of the application;
- an explanation of the investigative activities undertaken and the information 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;
- an 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;
- a statement as to whether the search warrant can be effectively executed during daylight hours and, if not, what facts or circumstances preclude effective execution during daylight hours;
- a list of any additional occupants of the premises by age and gender;

- an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known;
- a no-knock search warrant shall be executed between 8 am and 7 pm, absent exigent circumstances;
- the entering officers must be clearly recognizable as police officers; and
- the entering officers shall use their body cameras if the agency has them.

Outlawing no-knock warrants puts law enforcement at risk.

MSAA respectfully urges the Committee to issue an unfavorable report on HB 464.