
By: **Delegates Anderson, C. Davis, Dumais, Kelley, Kelly, McComas, Quinter, Shank, Sophocleus, Vallario, and Zirkin**

Introduced and read first time: February 4, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - "No-Knock" Warrants - Authority**

3 FOR the purpose of allowing an application for a search warrant to contain a request
4 that the search warrant authorize the executing law enforcement officer to enter
5 the building, apartment, premises, place, or thing to be searched without giving
6 notice of the officer's authority or purpose; providing grounds for the request;
7 allowing a search warrant to authorize a certain law enforcement officer to
8 enter a certain building, apartment, premises, place, or thing without giving a
9 certain notice, under certain circumstances; providing for the application of this
10 Act; and generally relating to search warrants.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Procedure
13 Section 1-203(a)
14 Annotated Code of Maryland
15 (2001 Volume and 2004 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Procedure**

19 1-203.

20 (a) (1) A circuit court judge or District Court judge may issue forthwith a
21 search warrant whenever it is made to appear to the judge, by application as
22 described in paragraph (2) of this subsection, that there is probable cause to believe
23 that:

24 (i) a misdemeanor or felony is being committed by a person or in a
25 building, apartment, premises, place, or thing within the territorial jurisdiction of the
26 judge; or

1 (ii) property subject to seizure under the criminal laws of the State
2 is on the person or in or on the building, apartment, premises, place, or thing.

3 (2) (I) An application for a search warrant shall be:

4 [(i)] 1. in writing;

5 [(ii)] 2. signed and sworn to by the applicant; and

6 [(iii)] 3. accompanied by an affidavit that:

7 [1.] A. sets forth the basis for probable cause as described in
8 paragraph (1) of this subsection; and

9 [2.] B. contains facts within the personal knowledge of the
10 affiant that there is probable cause.

11 (II) AN APPLICATION FOR A SEARCH WARRANT MAY CONTAIN A
12 REQUEST THAT THE SEARCH WARRANT AUTHORIZE THE EXECUTING LAW
13 ENFORCEMENT OFFICER TO ENTER THE BUILDING, APARTMENT, PREMISES, PLACE,
14 OR THING TO BE SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER'S
15 AUTHORITY OR PURPOSE, ON THE GROUNDS THAT THERE IS REASONABLE
16 SUSPICION TO BELIEVE THAT, WITHOUT THE AUTHORIZATION:

17 1. THE PROPERTY SUBJECT TO SEIZURE MAY BE
18 DESTROYED, DISPOSED OF, OR SECRETED; OR

19 2. THE LIFE OR SAFETY OF THE EXECUTING OFFICER OR
20 ANOTHER PERSON MAY BE ENDANGERED.

21 (3) The search warrant shall:

22 (i) be directed to a duly constituted police officer, the State Fire
23 Marshal, or a full-time investigative and inspection assistant of the Office of the
24 State Fire Marshal and authorize the police officer, the State Fire Marshal, or a
25 full-time investigative and inspection assistant of the Office of the State Fire
26 Marshal to search the suspected person, building, apartment, premises, place, or
27 thing and to seize any property found subject to seizure under the criminal laws of the
28 State; [and]

29 (ii) name or describe, with reasonable particularity:

30 1. the person, building, apartment, premises, place, or thing
31 to be searched;

32 2. the grounds for the search; and

33 3. the name of the applicant on whose application the search
34 warrant was issued; AND

1 (III) IF WARRANTED BY APPLICATION AS DESCRIBED IN PARAGRAPH
2 (2) OF THIS SUBSECTION, AUTHORIZE THE EXECUTING LAW ENFORCEMENT OFFICER
3 TO ENTER THE BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE
4 SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER'S AUTHORITY OR PURPOSE.

5 (4) (i) The search and seizure under the authority of a search warrant
6 shall be made within 15 calendar days after the day that the search warrant is issued.

7 (ii) After the expiration of the 15-day period, the search warrant is
8 void.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed to apply only prospectively and may not be applied or interpreted to have
11 any effect on or application to any application for a search warrant made before the
12 effective date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2005.