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

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Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

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CHAPTER \_\_\_\_\_

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

1 described in paragraph (2) of this subsection, that there is probable cause to believe  
2 that:

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

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

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

9 [(i)] 1. in writing;

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

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

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

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

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

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

24 2. THE LIFE OR SAFETY OF THE EXECUTING OFFICER OR  
25 ANOTHER PERSON MAY BE ENDANGERED.

26 (3) The search warrant shall:

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

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

35 1. the person, building, apartment, premises, place, or thing  
36 to be searched;

