

# HOUSE BILL 219

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CF SB 259

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By: **Delegate Parrott**

Introduced and read first time: January 21, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – No-Knock Search Warrants – Prior Notification of**  
3 **County**

4 FOR the purpose of prohibiting a certain law enforcement officer from executing a  
5 search warrant without giving notice of the officer's authority or purpose unless  
6 the chief of a certain law enforcement agency is notified before the execution of  
7 the warrant or there is a certain written agreement between a certain county  
8 and a certain agency; and generally relating to no-knock search warrants.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 1–203(a)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2012 Supplement)

14 BY adding to  
15 Article – Criminal Procedure  
16 Section 1–203(f)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2012 Supplement)

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

21 **Article – Criminal Procedure**

22 1–203.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (2) (i) An application for a search warrant shall be:

7 1. in writing;

8 2. signed and sworn to by the applicant; and

9 3. accompanied by an affidavit that:

10 A. sets forth the basis for probable cause as described in  
11 paragraph (1) of this subsection; and

12 B. contains facts within the personal knowledge of the  
13 affiant that there is probable cause.

14 (ii) An application for a search warrant may contain a request  
15 that the search warrant authorize the executing law enforcement officer to enter the  
16 building, apartment, premises, place, or thing to be searched without giving notice of  
17 the officer's authority or purpose, on the grounds that there is reasonable suspicion to  
18 believe that, without the authorization:

19 1. the property subject to seizure may be destroyed,  
20 disposed of, or secreted; or

21 2. the life or safety of the executing officer or another  
22 person may be endangered.

23 (3) The search warrant shall:

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

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

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

1                                   2.     the grounds for the search; and

2                                   3.     the name of the applicant on whose application the  
3 search warrant was issued; and

4                                   (iii)   **SUBJECT TO SUBSECTION (F) OF THIS SECTION AND** if  
5 warranted by application as described in paragraph (2) of this subsection, authorize  
6 the executing law enforcement officer to enter the building, apartment, premises,  
7 place, or thing to be searched without giving notice of the officer's authority or  
8 purpose.

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

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

14                                   **(F)    A LAW ENFORCEMENT OFFICER WHO IS EMPLOYED BY A LAW**  
15 **ENFORCEMENT AGENCY OTHER THAN THE PRIMARY LAW ENFORCEMENT**  
16 **AGENCY OF THE COUNTY WHERE THE OFFICER INTENDS TO EXECUTE A SEARCH**  
17 **WARRANT MAY NOT EXECUTE THE SEARCH WARRANT WITHOUT GIVING NOTICE**  
18 **OF THE OFFICER'S AUTHORITY OR PURPOSE UNLESS:**

19                                   **(1)    THE CHIEF OF THE PRIMARY LAW ENFORCEMENT AGENCY OF**  
20 **THE COUNTY WHERE THE SEARCH IS TO BE CONDUCTED IS NOTIFIED BEFORE**  
21 **THE EXECUTION OF THE WARRANT; OR**

22                                   **(2)    THERE IS A WRITTEN AGREEMENT BETWEEN THE COUNTY**  
23 **WHERE THE SEARCH IS TO BE CONDUCTED AND THE AGENCY THAT EMPLOYS**  
24 **THE OFFICER AUTHORIZING AN OFFICER OF THAT AGENCY TO EXECUTE A**  
25 **SEARCH WARRANT IN THE COUNTY WITHOUT GIVING NOTICE OF THE OFFICER'S**  
26 **AUTHORITY OR PURPOSE.**

27                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2013.