

A002-0708

10 AN ACT CONCERNING

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

30 FOR the purpose of limiting no-knock entry by police to life-or-death situations.

40 BY repealing, and reenacting, with amendments,
50 Article - Criminal Procedure
60 Section 1-203(a)
70 Annotated Code of Maryland (2006)

80 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the
90 Laws of Maryland read as follows:

100 1-203. Criminal Procedure

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

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

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

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

190 1. in writing;

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

210 3. accompanied by an affidavit that:

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

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

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

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

290 ~~2. 1. the life or safety of the executing officer or another person~~ PERSONS IN THE
300 BUILDING, APARTMENT, PREMISES, OR PLACE may be endangered.

310 (3) The search warrant shall:

320 (i) be directed to a duly constituted police officer, the State Fire Marshal, or a full-time
330 investigative and inspection assistant of the Office of the State Fire Marshal and authorize the
340 police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the
350 Office of the State Fire Marshal to search the suspected person, building, apartment, premises,

360 place, or thing and to seize any property found subject to seizure under the criminal laws of the
370 State;
380 (ii) name or describe, with reasonable particularity:

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

400 2. the grounds for the search; and

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

430 (iii) if warranted by application as described in paragraph (2) of this
440 subsection, authorize the executing law enforcement officer to enter the building,
450 apartment, premises, place, or thing to be searched without giving notice of the
460 officer's authority or purpose.

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

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

500 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
510 October 1, 2008.

520 **MANDATES:** Martin O'Malley, Governor of Maryland
530 Anthony G. Brown, Lieutenant Governor of Maryland
540 Thomas V. "Mike" Miller, Jr., President of the Maryland Senate
550 Michael E. Busch, Speaker of the Maryland House of Delegates
560 Edward J. Kasemeyer, Majority Leader of the Maryland Senate
570 David R. Brinkley, Minority Leader of the Maryland Senate
580 Kumar P. Barve, Majority Leader of the Maryland House of Delegates
590 Anthony J. O'Donnell, Minority Leader of the Maryland House of Delegates

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