

SENATE BILL 419

E4

1lr1378

By: **Senator Carter**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **No-Knock Warrants – Elimination**

3 FOR the purpose of repealing a provision of law authorizing an application for a search
4 warrant to contain a request authorizing the executing law enforcement officer to
5 enter a building, apartment, premises, place, or thing to be searched without giving
6 notice of the officer's authority or purpose under certain circumstances; providing
7 that an application for a search warrant may not contain a request that the search
8 warrant authorize the executing law enforcement officer to enter the building,
9 apartment, premises, place, or thing to be searched without giving a certain notice;
10 repealing a provision of law requiring the issuance of a search warrant exempting a
11 law enforcement officer from providing certain notice under certain circumstances;
12 repealing a provision of law requiring the Maryland Police Training and Standards
13 Commission to consult and cooperate with commanders of SWAT teams to develop
14 certain standards; providing that a police officer may not enter a certain building,
15 apartment, premises, place, or thing without providing certain notice; providing for
16 the application of this Act; and generally relating to the elimination of "no-knock
17 warrants".

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 1–203(a)(2)(vi) and (3)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Public Safety
25 Section 3–207(a)(24)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2020 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

Section 3–523

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

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

Article – Criminal Procedure

1–203.

(a) (2) (vi) An application for a search warrant may **NOT** contain a request that the search warrant authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose[, on the grounds that there is reasonable suspicion to believe that, without the authorization:

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

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

(3) The search warrant shall:

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

(ii) name or describe, with reasonable particularity:

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

2. the grounds for the search; and

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

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

1 authority or purpose].

2 **Article – Public Safety**

3 3–207.

4 (a) The Commission has the following powers and duties:

5 (24) to consult and cooperate with commanders of SWAT teams to develop
6 standards for training and deployment of SWAT teams [and of law enforcement officers
7 who are not members of a SWAT team who conduct no-knock warrant service in the State]
8 based on best practices in the State and nationwide.

9 **3–523.**

10 **A POLICE OFFICER WHO IS EXECUTING A SEARCH WARRANT MAY NOT, FOR**
11 **THE PURPOSE OF EXECUTING THE WARRANT, ENTER THE BUILDING, APARTMENT,**
12 **PREMISES, PLACE, OR THING SPECIFIED IN THE WARRANT TO BE SEARCHED**
13 **WITHOUT GIVING NOTICE OF THE OFFICER’S AUTHORITY OR PURPOSE.**

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2021.