

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 651
Judiciary

(Delegate Grammer)

Criminal Procedure – No-Knock Search Warrants – Repeal

This bill repeals the authority to issue and execute a no-knock search warrant. The bill prohibits a search warrant from authorizing a law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without first giving notice of the officer’s authority and purpose. A police officer executing a search warrant may not, for the purpose of executing the warrant, enter the building, apartment, premises, place, or thing to be searched unless reasonable notice of the officer’s authority and purpose has been given to any individual inside the building, apartment, premises, place, or thing specified in the warrant. The bill makes corresponding changes to the duties and reporting requirements of the Maryland Police Training and Standards Commission (MPTSC) and the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS).

Fiscal Summary

State Effect: While the bill does not materially affect State finances, it may necessitate operational changes within affected State law enforcement agencies. The bill’s changes to MPTSC and GOCPYVS duties and reporting requirements are not anticipated to materially affect State finances or operations.

Local Effect: While the bill does not materially affect local finances, it may necessitate operational changes within affected local law enforcement agencies. The bill’s changes to MPTSC and GOCPYVS duties and reporting requirements are not anticipated to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Search Warrants

A circuit court or District Court judge may issue a search warrant whenever a warrant application makes it apparent to the judge that there is probable cause to believe that (1) a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the jurisdiction of the judge or (2) property subject to seizure is on the person or in or on the building, apartment, premises, place, or thing. An application for a search warrant must be (1) in writing; (2) signed, dated, and sworn to by the applicant; and (3) accompanied by an affidavit that sets forth the basis for probable cause and contains facts within the personal knowledge of the affiant that there is probable cause.

A law enforcement officer may request, in an application for a search warrant, that a building, apartment, premises, place, or thing be searched without the officer having to provide notice of the officer's authority or purpose. To justify the request for such a warrant (also referred to as a no-knock warrant), the officer must have a reasonable suspicion that, without the authorization, the life or safety of the executing officer or another person may be in danger. An application for a no-knock search warrant must contain specified information and must be approved in writing by a police supervisor and the State's Attorney. If the warrant application justifies this request on these grounds, the search warrant must authorize the executing law enforcement officer to engage in these actions. A no-knock search warrant must be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances.

A law enforcement officer must be clearly recognizable and identifiable as a police officer while executing a search warrant. Unless executing a no-knock search warrant, a police officer must allow a minimum of 20 seconds for the occupants of a residence to respond and open the door before the police officer attempts to enter the residence, absent exigent circumstances.

A search and seizure under the authority of a search warrant must be made within 10 calendar days after the day that the search warrant is issued. After the expiration of the 10-day period, the search warrant is void.

Maryland Police Training and Standards Commission

MPTSC is required to consult and cooperate with commanders of "SWAT teams" to develop standards for training and deployment of SWAT teams and of law enforcement

officers who are not members of a SWAT team who conduct no-knock warrant service in the State based on best practices in the State and nationwide.

Governor's Office of Crime Prevention, Youth, and Victim Services

Chapter 62 of 2021 requires a law enforcement agency to report specified data relating to search warrants executed by the agency during the prior calendar year to GOCPYVS, including specified information regarding no-knock search warrants. MPTSC, in consultation with GOCPYVS, is required to develop a standardized format for each law enforcement agency to use in reporting this data. A law enforcement agency must compile the specified data for each one-year period as a report in a specified format. By January 15 of each year, the law enforcement agency is required to submit the report to GOCPYVS and the local governing body of the jurisdiction served by the agency or, if the jurisdiction served is a municipal corporation, the chief executive officer of the jurisdiction.

GOCPYVS must analyze and summarize the submitted reports. By September 1 of each year, GOCPYVS must (1) submit a report of the analyses and summaries of the submitted reports to the Governor, each law enforcement agency, and the General Assembly and (2) publish the report on its website.

Additional Information

Prior Introductions: HB 188 of 2021, a similar bill, received a hearing in the House Judiciary Committee. No further action was taken.

Designated Cross File: None.

Information Source(s): Caroline, Howard, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Governor's Office of Crime Prevention, Youth, and Victim Services; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2022
fnu2/jkb

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510