



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: March 1, 2022

BILL NUMBER: House Bill 532 **Position:** Letter of Information

BILL TITLE: Criminal Procedure – Search Warrants

REVIEW AND ANALYSIS:

This legislation seeks to repeal the authority of a judge to issue a No-Knock search warrant. This legislation also requires a law enforcement officer who is executing a search warrant to give notice by announcing the officer's purpose and authority prior to entering the building, apartment, premise or place. This legislation limits the hours that a search warrant may be executed to between 8 a.m. and 7 p.m. without exception.

Under current law, a law enforcement officer may apply to the court for a No-Knock search warrant authorizing 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. There are limitations on the issuance by a judge and the application is required to be approved by the state's attorney and the officer's supervisor before presenting the request to a judge. No-Knock warrants may only be served between the hours of 8am and 7pm absent exigent circumstances.

The Department makes use of the "No-Knock" warrant in very specific circumstances and the warrants are only executed by a highly trained team within the Department. The circumstances that the Department uses to determine if a warrant will be served as a "No Knock":

- Is the life or safety of the executing officer or another endangered, if so we examine -
- Criminal history of the primary suspect(s);
- Felony nature of the crime being investigated;
- Is there an arrest warrant for the primary suspect (is it for a crime of violence);
- Fortification of the structure;
- Terrain to be traversed to get to the structure;
- Is a surreptitious approach possible;
- Is it safer for the suspects as well as the officers involved to contact them (Knock and Announce) prior to them realizing we are there?

Once the request for a No-Knock warrant is approved by the court, the warrant is screened by a member of the Special Operations Division (SOD). Either a team leader or Unit Commander conducts the screening based on the above available information. It is possible that even though a No-Knock warrant was issued circumstances on the ground may warrant a change to knock and announce.

The Department acknowledges the risk taken on all search warrants. The use of a "No Knock" warrant is designed and executed to minimize the risk to both the officers serving the warrant and the citizens who are subject to the warrant. The elimination of all "No-Knock" warrants would potentially have a detrimental effect on both groups.