

HOUSE BILL 1232

E2

3lr1022

By: **Delegates Swain, Valderrama, Valentino-Smith, and Vallario**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Issuance of Search Warrant by Electronic Means Act of 2013**

3 FOR the purpose of expanding a certain provision of law requiring an application for a
4 search warrant to be in writing to authorize an application for a search warrant
5 to be submitted through any electronic or digital means; and generally relating
6 to search warrants.

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

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

14 **Article – Criminal Procedure**

15 1–203.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 1. **SUBMITTED** in writing **OR THROUGH ANY**
3 **ELECTRONIC OR DIGITAL MEANS;**

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

5 3. accompanied by an affidavit that:

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

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

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

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

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

19 (3) The search warrant shall:

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

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

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

29 2. the grounds for the search; and

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

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

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

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

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