

Defined terms: "Person" § 1-101  
 "Returnable container" § 19-301  
 "Returnable textile" § 19-301

## 19-305. WARRANTS.

## (A) SEARCH WARRANT.

A DISTRICT COURT JUDGE SHALL ISSUE A SEARCH WARRANT, AUTHORIZING A SEARCH OF THE PREMISES SPECIFIED IN THE WARRANT, TO A SHERIFF, DEPUTY SHERIFF, OR OTHER LAW ENFORCEMENT OFFICER TO WHOM A WARRANT MAY BE DIRECTED, IF A PERSON WHO HAS REGISTERED A RETURNABLE CONTAINER OR RETURNABLE TEXTILE, OR THE PERSON'S AGENT, MAKES AN AFFIDAVIT BEFORE THE JUDGE, STATING THAT:

(1) THE AFFIANT REASONABLY BELIEVES THAT A VIOLATION OF § 19-304(A), (B), (C), OR (D) OF THIS SUBTITLE HAS OCCURRED; AND

(2) EVIDENCE OF THE VIOLATION MAY BE OBTAINED BY A SEARCH OF PREMISES SPECIFIED BY THE AFFIANT.

## (B) ARREST WARRANT.

IF ALL OR PART OF A REGISTERED RETURNABLE CONTAINER, OR RETURNABLE TEXTILE IS FOUND ON OR ABOUT THE PREMISES SPECIFIED IN THE WARRANT:

(1) THE LAW ENFORCEMENT OFFICER EXECUTING THE SEARCH WARRANT SHALL REPORT THE FINDINGS UNDER OATH TO THE JUDGE; AND

(2) AFTER RECEIVING THE REPORT AND CHARGING A VIOLATION OF § 19-304(A), (B), (C), OR (D) OF THIS SUBTITLE, THE JUDGE SHALL ISSUE AN ARREST WARRANT FOR THE PERSON AGAINST WHOM THE CHARGE IS MADE.

REVISOR'S NOTE: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this section, which is new language derived without substantive change from former Art. 27, § 476.

In the introductory language of subsection (a) of this section, the reference to a search warrant "authorizing a search of the premises specified in the warrant" is substituted for the former reference to a search warrant "thereby caus[ing] the premises so to be designated in the warrant to be searched" for clarity and consistency with CP § 1-203.

Also in the introductory language of subsection (a) of this section, the reference to a "person's agent" is substituted for the former reference to "his or its officer, agent or employee, or the assignee of any such or his, or its officer, agent or employee" for clarity and brevity and because an assignee possesses all of the rights of an assignor. *See, e.g., duPont de-Bie v. Vredenburg*, 490 F.2d 1057 (4th Cir. 1974).

Also in the introductory language of subsection (a) of this section, the former reference to a search warrant "properly" directed is deleted as surplusage.