

In subsection (a)(1) of this section, the former reference that a person "has reason to believe" that a violation has occurred is deleted as implicit in the reference that an affiant "believes" that a violation has occurred.

In subsection (b)(1) of this section, the reference to a "law enforcement" officer is added for consistency.

In subsection (b)(2) of this section, the former reference to a judge "caus[ing] him to be brought before him for trial" is deleted as implicit in the reference to an "arrest".

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the requirements for issuing a warrant under this section appear not to comport with the minimum standards for issuance of a warrant under the Fourth Amendment to the U.S. Constitution, in that there is no requirement to show probable cause for the issuance. *See, e.g., Illinois v. Gates*, 462 U.S. 263 (1983); *U.S. v. Leon*, 468 U.S. 897 (1984).

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

#### 19-306. CHARGING DOCUMENT.

##### (A) IN GENERAL.

IN A PROSECUTION UNDER THIS SUBTITLE, A CHARGING DOCUMENT IS SUFFICIENT IF IT:

- (1) DESCRIBES THE RETURNABLE CONTAINER OR RETURNABLE TEXTILE IN A WAY THAT ALLOWS ITS IDENTIFICATION;
- (2) AFFIRMS THAT THE RETURNABLE CONTAINER OR RETURNABLE TEXTILE IS DISTINCTLY MARKED AND REGISTERED UNDER THIS SUBTITLE; AND
- (3) GIVES THE NAME OF THE OWNER OF THE RETURNABLE CONTAINER OR RETURNABLE TEXTILE, THE PERSON USING THE RETURNABLE CONTAINER OR RETURNABLE TEXTILE THROUGH REGISTRATION, OR, IF APPLICABLE, THE TRANSFEREE.

##### (B) PARTICULARS NOT REQUIRED.

IN A PROSECUTION UNDER THIS SUBTITLE, A CHARGING DOCUMENT NEED NOT:

- (1) STATE OR DESCRIBE THE NAME, MARK, OR DEVICE ATTACHED, IMPRESSED, OR IMPRINTED ON A RETURNABLE CONTAINER OR RETURNABLE TEXTILE; OR
- (2) STATE THE PARTICULARS OF THE REGISTRATION OF THE RETURNABLE CONTAINER OR RETURNABLE TEXTILE OR OF THE ASSIGNMENT OR TRANSFER OF THE REGISTRATION.