

Senate Bill No. 236

AN ACT concerning

Agriculture - Infectious and Contagious Diseases - Administrative Search Warrants

FOR the purpose of authorizing the Secretary of Agriculture or the Secretary's designee to apply to a certain court for an administrative search warrant; specifying the information that must be contained in an application for an administrative search warrant; requiring the Attorney General of Maryland to approve the administrative search warrant application before filing the application with the court; requiring a judge to make certain findings prior to issuing the administrative warrant; specifying the information that must be contained in the administrative search warrant; requiring the administrative search warrant to be executed and returned within a certain time period; requiring that any information obtained pursuant to an administrative search warrant be confidential; making this Act an emergency measure; and generally relating to infectious and contagious diseases and administrative search warrants.

BY adding to

Article - Agriculture

Section 3-105.1

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)

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

Article - Agriculture

3-105.1.

(A) THE SECRETARY OR A DESIGNEE OF THE SECRETARY MAY APPLY TO A JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT FOR AN ADMINISTRATIVE SEARCH WARRANT TO ENTER ANY FACTORY, WAREHOUSE, VEHICLE, BUILDING, ESTABLISHMENT, OR OTHER PREMISES TO CONDUCT ANY INSPECTION REQUIRED OR AUTHORIZED BY LAW TO DETERMINE COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE RELATING TO THE REGULATION AND PREVENTION OF INFECTIOUS AND CONTAGIOUS LIVESTOCK AND POULTRY DISEASES.

(B) (1) THE APPLICATION SHALL BE IN WRITING AND SIGNED AND SWORN TO BY THE APPLICANT AND SHALL PARTICULARLY DESCRIBE THE PLACE, STRUCTURE, PREMISES, VEHICLE, OR RECORDS TO BE INSPECTED AND THE NATURE, SCOPE, AND PURPOSE OF THE INSPECTION TO BE PERFORMED BY THE APPLICANT.

(2) BEFORE THE FILING OF A SEARCH WARRANT APPLICATION WITH A COURT, IT SHALL BE APPROVED BY THE ATTORNEY GENERAL OF MARYLAND AS TO ITS LEGALITY IN BOTH FORM AND SUBSTANCE UNDER THE STANDARDS AND