

State Fire Marshal to search certain places or persons and seize certain property; authorizing the court to issue certain search warrants to the State Fire Marshal or certain employees of the Office of the State Fire Marshal; and generally relating to the authority of the State Fire Marshal and certain employees of the Office of the State Fire Marshal and search warrants.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 1-203

Annotated Code of Maryland

(2001 Volume and 2003 Supplement)

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

Article – Criminal Procedure

1-203.

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

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

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

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

(i) in writing;

(ii) signed and sworn to by the applicant; and

(iii) accompanied by an affidavit that:

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

2. contains facts within the personal knowledge of the affiant that there is probable cause.

(3) The search warrant shall:

(i) be directed to a duly constituted police officer, THE STATE FIRE MARSHAL, OR A FULL-TIME INVESTIGATIVE AND INSPECTION ASSISTANT OF THE OFFICE OF THE STATE FIRE MARSHAL and authorize the police officer, THE STATE FIRE MARSHAL, OR A FULL-TIME INVESTIGATIVE AND INSPECTION ASSISTANT OF THE OFFICE OF THE STATE FIRE MARSHAL to search the suspected person, building,