

Date: (Filing No. H- )

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 849, L.D. 1171, "An Act To Curtail No-knock Warrants"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 15 MRSA §57 is enacted to read:

§57. Restriction on no-knock warrants; requirements for no-knock warrants

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement officer" or "officer" has the same meaning as in Title 25, section 2801-A, subsection 5.

B. "No-knock warrant" means a warrant that authorizes execution of the warrant without the law enforcement officer first announcing the authority for the execution of the warrant and the purpose for which the warrant was issued. Any warrant is a no-knock warrant if it is executed without waiting at least 20 seconds after the announcement of authority and purpose before making entry.

2. Restriction on no-knock warrants. Notwithstanding any provision of law to the contrary, a state, county or local law enforcement officer may not execute a no-knock warrant except as provided in subsection 3 or 4.

3. Exceptions. The restrictions in subsection 2 do not apply if the warrant clearly states that providing notice prior to execution of the warrant would create an imminent risk of death or bodily harm to a law enforcement officer, an individual in the location named in the warrant or an individual in the surrounding areas outside of the location named in the warrant. Imminent risk of death or bodily harm under this subsection must be verified by the issuing authority by reviewing the information contained within the affidavit.

4. Exigent circumstances. Subsections 2 and 3 do not preclude entry by a law enforcement officer in accordance with a recognized exception to the warrant requirement, including, but not limited to, exigent circumstances.

COMMITTEE AMENDMENT

