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Legislative Document

No. 1127

H.P. 805

House of Representatives, March 22, 2021

An Act To Prohibit the Use of "No-knock" Warrants

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROEDER of Bangor.
Cosponsored by Representatives: DUNPHY of Old Town, GRAMLICH of Old Orchard Beach, LOOKNER of Portland, OSHER of Orono, SUPICA of Bangor, TALBOT ROSS of Portland, WARREN of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **§57. Prohibition against execution or support of no-knock warrants**

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

6 A. "Employee" means a person employed by the State or a political subdivision of the
7 State that receives public funds.

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

10 C. "No-knock warrant" means a warrant that allows the person executing the warrant
11 to enter the premises that are the subject of the warrant without first announcing the
12 authority for the execution of the warrant and the purpose for which the warrant was
13 issued.

14 **2. Prohibition against no-knock warrants.** Notwithstanding any provision of law to
15 the contrary, a state, county or local law enforcement officer or an employee may not
16 execute a warrant by forcibly entering the location that is the subject of the warrant until
17 after that law enforcement officer or employee provides notice of the authority to execute
18 the warrant and the purpose for which the warrant was issued.

19 **3. Prohibition against providing support for execution of federal no-knock**
20 **warrants.** Notwithstanding any provision of law to the contrary, a state, county or local
21 law enforcement officer or an employee may not participate in or provide material support
22 for the execution of a no-knock warrant issued by a federal agency or court. A political
23 subdivision of this State may not adopt a rule, ordinance, order or policy in violation of this
24 subsection.

25 **4. Penalty.** The following penalties apply to a violation of this section.

26 A. A law enforcement officer or employee who violates this section commits a Class
27 E crime and, notwithstanding any provision of law to the contrary, must be sentenced
28 to 6 months in a correctional facility. Upon conviction, a law enforcement officer who
29 violates this section must also be prohibited from being employed as a law enforcement
30 officer.

31 B. A political subdivision of this State that violates this section may not receive any
32 state funds for the fiscal year in which a final judicial determination is made that the
33 political subdivision intentionally violated this section.

34 **SUMMARY**

35 This bill prohibits the use of no-knock warrants, which are warrants that allow the
36 executing authority to forcibly enter a location that is the subject of a search warrant
37 without first announcing the authority to execute the warrant and the purpose for which the
38 warrant was issued. This prohibition applies to law enforcement officers and any employee
39 of the State or a political subdivision of the State.

40 This bill also prohibits a law enforcement officer or an employee of the State or a
41 political subdivision of the State from participating in or providing material support for the

1 execution of a federal no-knock warrant. A political subdivision of the State is prohibited
2 from adopting a rule, ordinance, order or policy that allows the execution of no-knock
3 warrants.

4 A law enforcement officer who violates the prohibition against no-knock warrants
5 commits a Class E crime and is subject to a mandatory sentence of 6 months in a
6 correctional facility. A political subdivision that violates the prohibition against the use or
7 support of no-knock warrants is subject to a loss of state funding for the entire fiscal year
8 in which the political subdivision is determined to have intentionally committed the
9 violation.