

Date: (Filing No. H- )

CRIMINAL JUSTICE AND PUBLIC SAFETY

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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

1 **5. Requirements.** The following requirements apply to a law enforcement officer  
2 executing a no-knock warrant that is authorized under the exception provisions in  
3 subsection 3.

4 A. An officer on the entry team shall wear an official uniform that clearly identifies  
5 the officer as a law enforcement officer and, if the officer's law enforcement agency  
6 provides body-worn cameras to law enforcement officers, a body-worn camera worn  
7 in accordance with the policies of the officer's law enforcement agency. An officer  
8 shall follow the policy of the officer's law enforcement agency regarding the usage of  
9 body-worn cameras. This subsection does not require a law enforcement agency that  
10 provides body-worn cameras to mandate recording the execution of a no-knock  
11 warrant.

12 B. In cases in which an imminent risk of death or bodily harm exists, only officers  
13 trained in the use of stun grenade, stun, distraction or other similar devices may use  
14 such a device during the execution of the warrant.'

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
16 number to read consecutively.

17 **SUMMARY**

18 This amendment replaces the bill. The amendment defines "no-knock warrant" as a  
19 warrant that authorizes execution of the warrant without the law enforcement officer first  
20 announcing the authority for the execution of the warrant and the purpose of the warrant.  
21 The amendment provides that any warrant that is executed without waiting at least 20  
22 seconds after the announcement of authority and purpose before making entry is a no-knock  
23 warrant. The amendment prohibits the use of no-knock warrants, except in the event of  
24 imminent risk of death or bodily injury to persons and when a recognized exception to the  
25 warrant requirement, such as exigent circumstances, allows unannounced entry. The  
26 amendment requires an officer executing a no-knock warrant to wear an official uniform  
27 and, if provided by the officer's law enforcement agency, a body-worn camera worn in  
28 accordance with agency policies. The amendment limits the use of stun grenade, stun,  
29 distraction or other similar devices during the execution of a no-knock warrant to officers  
30 trained in the use of such a device during the execution of the warrant.