

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 849 - L.D. 1171

An Act To Curtail No-knock Warrants

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

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.

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

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

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