

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 1043, 1127, 1171

Date: May 3, 2021

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CLAC looked generally at the three bills concerning no-knock warrants, LDs 1043, 1127 and 1171. We understand there to have been an amendment proposed by the sponsor to LD 1127, but CLAC did not have the chance to review it.

There was no support for an approach criminalizing law enforcement's failure to comply with whatever standard is established. There was some support for the concept of LD 1043, with the Maine Criminal Justice Academy developing standards for a model policy, which could result in some uniform approaches around the state. At least one member generally supported the approach of establishing a higher standard for issuance of a no-knock warrant, and perhaps limiting the types of investigations for which such warrants could be issued (e.g., felony-level and violent crimes/crimes against persons).

Members also noted that there are standards in Rule of Unified Criminal Procedure 41(f) and suggested that the Legislature consider referring the matter to the Criminal Rules Committee for review before attempting to legislate in this area.

Finally, one member suggested that some aspects of a policy addressing no-knock warrants, such as standards for when such a warrant is issued, may be better addressed in a court rule while others, such as the mechanics of serving a no-knock warrant, might be better suited to a law enforcement policy. Accordingly, both a mandatory law enforcement policy and a referral to the Criminal Rules Committee may be appropriate.