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Legislative Document

No. 1171

H.P. 849

House of Representatives, March 22, 2021

An Act To Curtail 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 black ink that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FECTEAU of Augusta.

Cosponsored by Representatives: ANDREWS of Paris, FAULKINGHAM of Winter Harbor,
Senators: MAXMIN of Lincoln, POULIOT of Kennebec.

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

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

§57. Requirement to provide notice prior to execution of search warrant

1. Law enforcement officer defined. As used in this section, "law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5.

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

3. Exception. This section does not apply if the authority issuing 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 or an individual in the location that is the subject of the warrant.

4. Penalty. A law enforcement officer who violates this section commits a Class E crime.

SUMMARY

This bill requires a law enforcement officer, prior to forcibly entering a location that is the subject of a search warrant, to announce the law enforcement officer's authority to execute the warrant and the purpose for which the warrant was issued. This requirement does not apply if the authority issuing the warrant clearly states that providing such notice would create an imminent risk of death or bodily harm to a law enforcement officer or an individual in the location that is the subject of the warrant.