

1 S.228

2 Introduced by Senators Ram Hinsdale, Hardy, McCormack and Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; execution of search warrants; no-knock warrants
6 prohibited

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the
8 use of no-knock warrants by law enforcement officers absent a threat of
9 serious bodily harm and to require a law enforcement officer to provide notice
10 of the officer's identity and purpose to the occupant of a premises before the
11 officer enters the premises to execute the warrant.

12 An act relating to prohibiting no-knock warrants

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 13 V.S.A. chapter 233 is added to read:

15 CHAPTER 233. NO-KNOCK WARRANTS

16 § 8121. DEFINITIONS

17 As used in this chapter:

18 (1) "Law enforcement agency" has the same meaning as in subdivision
19 3501(a)(4) of this title.

1 (2) “Law enforcement officer” has the same meaning as in subsection
2 3019(a) of this title.

3 (3) “No-knock warrant” means a search warrant authorizing a law
4 enforcement officer to enter a premises without knocking and announcing the
5 officer’s presence and purpose prior to entering the premises.

6 § 8122. NO-KNOCK WARRANTS PROHIBITED

7 (a)(1) A law enforcement officer or law enforcement agency shall not seek,
8 execute, or participate in the execution of a no-knock warrant unless the
9 affidavit submitted by the law enforcement officer with the warrant application
10 demonstrates to the satisfaction of the court that identifying the presence of the
11 officer before entering the premises is likely to create an imminent threat of
12 serious bodily harm to the officer or another person.

13 (2) Prior to entering a premises to be searched pursuant to a warrant
14 obtained under Rule 41 of the Vermont Rules of Criminal Procedure, a law
15 enforcement officer shall provide audible or otherwise appropriate notice of
16 the officer’s identity and purpose to the occupant of the premises to be
17 searched.

18 (b) Information or evidence obtained in violation of subsection (a) of this
19 section shall not be admissible in any court proceeding.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.