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State of Misconsin 2021 - 2022 LEGISLATURE

LRB-0793/1 CMH:cdc

2021 ASSEMBLY BILL 137

March 5, 2021 – Introduced by Representatives L. MYERS, BOWEN, HAYWOOD, STUBBS, BALDEH, DRAKE, MOORE OMOKUNDE, HONG, SNODGRASS, SHELTON, ORTIZ-VELEZ, HEBL, CONLEY, SUBECK, SINICKI, ANDERSON, HESSELBEIN, CABRERA, SHANKLAND and NEUBAUER, cosponsored by Senators L. TAYLOR, JOHNSON, ROYS and ERPENBACH. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

AN ACT to renumber 968.14; to amend 968.14 (title); and to create 968.14 (1) of the statutes; relating to: prohibiting no-knock search warrants and limiting the execution of a search warrant to the hours between 6 a.m. and 10 p.m.

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer executing a search warrant must knock and announce before entering unless, at the time the warrant is executed, the law enforcement officer has a reasonable suspicion that knocking and announcing will be dangerous or futile or will inhibit the effective investigation of the crime. This bill requires that a law enforcement officer executing a search warrant must, before entering the premises, identify himself or herself as a law enforcement officer and announce the authority and purpose of the entry.

Under the bill, a law enforcement officer may execute a search warrant only between the hours of 6 a.m. and 10 p.m. unless a judge authorizes the execution of the search warrant at another time for good cause.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 968.14 (title) of the statutes is amended to read:

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1	968.14 (title) Use Announcement requirement and use of force.
2	SECTION 2. 968.14 of the statutes is renumbered 968.14 (2).
3	SECTION 3. 968.14 (1) of the statutes is created to read:
4	968.14(1) When executing a search warrant, a law enforcement officer may not
5	enter the premises subject to the warrant without first identifying that he or she is
6	a law enforcement officer and announcing the authority and purpose of the entry.
7	SECTION 4. 968.15 (3) of the statutes is created to read:
8	968.15 (3) A law enforcement officer may execute a search warrant only
9	between the hours of 6 a.m. and 10 p.m. unless a judge authorizes the execution of
10	the search warrant at another time for good cause shown.
11	SECTION 5. Initial applicability.
12	(1) The treatment of s. 968.15 (3) first applies to search warrants issued on the
13	effective date of this subsection.
14	(END)

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