

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1087

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H.P. 682

House of Representatives, March 9, 2023

### **An Act to Remove Restrictions in the Provisions of Law Relating to No-knock Warrants**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CYRWAY of Albion.  
Cosponsored by Senator LaFOUNTAIN of Kennebec.

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

2 **Sec. 1. 15 MRSA §57, sub-§1, ¶B**, as enacted by PL 2021, c. 267, §1, is amended  
3 to read:

4 B. "No-knock warrant" means a warrant that authorizes execution of the warrant  
5 without the law enforcement officer first announcing the authority for the execution of  
6 the warrant and the purpose for which the warrant was issued. ~~Any warrant is a no-~~  
7 ~~knock warrant if it is executed without waiting at least 20 seconds after the~~  
8 ~~announcement of authority and purpose before making entry.~~

9 **Sec. 2. 15 MRSA §57, sub-§3**, as enacted by PL 2021, c. 267, §1, is amended to  
10 read:

11 **3. Exceptions.** The restrictions in subsection 2 do not apply if the warrant clearly  
12 states that providing notice prior to execution of the warrant would create an imminent risk  
13 of destruction of evidence, death or bodily harm to a law enforcement officer, an individual  
14 in the location named in the warrant or an individual in the surrounding areas outside of  
15 the location named in the warrant. Imminent risk of destruction of evidence, death or  
16 bodily harm under this subsection must be verified by the issuing authority by reviewing  
17 the information contained within the affidavit.

18 **Sec. 3. 15 MRSA §57, sub-§5**, as enacted by PL 2021, c. 267, §1, is amended to  
19 read:

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

23 A. ~~An~~ Each officer on the entry team shall wear an ~~official uniform~~ article of clothing  
24 that clearly identifies the officer as a law enforcement officer and, if ~~the~~ an officer's  
25 law enforcement agency provides body-worn cameras to law enforcement officers, a  
26 body-worn camera worn in accordance with the policies of the officer's law  
27 enforcement agency. ~~An~~ Every officer shall follow the policy of the ~~officer's~~  
28 law enforcement agency leading the execution of the warrant regarding the usage of body-  
29 worn cameras. This subsection does not require a law enforcement agency that  
30 provides body-worn cameras to mandate recording the execution of a no-knock  
31 warrant.

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

35 **SUMMARY**

36 This bill amends the provisions of law regarding no-knock warrants by:

37 1. Removing the provision stating that any warrant is a no-knock warrant if it is  
38 executed without waiting 20 seconds after announcement of authority and purpose to make  
39 entry;

40 2. Adding preventing the destruction of evidence to death and bodily harm in the  
41 exceptions to the requirements of no-knock warrants;

- 1           3. Changing the clothing required to identify law enforcement while executing a  
2 no-knock warrant from a uniform to an article of clothing that clearly identifies an officer  
3 executing the warrant as a law enforcement officer;
- 4           4. Requiring law enforcement officers executing a no-knock warrant to follow the  
5 policy of the lead law enforcement agency executing the warrant as opposed to an  
6 individual officer's law enforcement agency; and
- 7           5. Allowing an untrained officer to use a stun grenade, stun, distraction or other similar  
8 device during the execution of a no-knock warrant in exigent circumstances.