

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1611

Introduced 1/28/2025, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Criminal Procedure of 1963. Provides that a no-knock search warrant shall not be issued when the only offense alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use. Provides that when an officer, having a warrant for the search of a dwelling, executes the search warrant, the officer shall: (1) execute the warrant between the hours of 9 a.m. and 7 p.m. unless the judge, for good cause, expressly authorizes execution at another time; (2) be readily identifiable as a law enforcement officer in uniform or wearing a visible law enforcement badge that clearly identifies the person as a law enforcement officer; (3) In counties of 90,000 or more inhabitants, be a member of a special weapons and tactics team or special response team, or another established team or unit trained and tasked with resolving high-risk situations and incidents, who has received appropriate training in the execution of arrest and search warrants authorizing entry without notice; (4) wear and activate a body-worn camera as required by the use of force in execution of a search warrant when entering a premises for the purpose of enforcing the law; (5) have a certified or licensed paramedic or emergency medical technician in proximity and available to provide medical assistance, if needed; (6) be prohibited from pointing firearms at individuals under 18 years old, unless there is clear and present danger to the officer or another person; and (7) knock and announce the officer's presence at a volume loud enough for the officer to reasonably believe the occupants inside can hear, allow a minimum of 30 seconds of time before entering given the size of the dwelling for someone to get to the door, and delay entry if the officer has reason to believe that someone is approaching the dwelling's entrance with the intent of voluntarily allowing the officer to enter the dwelling; except that this provision does not apply if the circumstances known to the officer at the time provide an objectively reasonable basis to believe that a no-knock entry or not waiting a reasonable amount of time is necessary because of an emergency threatening the life of or grave injury to a person, provided that the imminent danger is not created by the law enforcement officers executing the search. Makes other changes.

LRB104 07594 RLC 17638 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 108-8 and by adding Section 108-15
6 as follows:

7 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

8 Sec. 108-8. Use of force in execution of search warrant.

9 (a) All necessary and reasonable force may be used to
10 effect an entry into any building or property or part thereof
11 to execute a search warrant.

12 (b) The court issuing a warrant may authorize the officer
13 executing the warrant to make entry without first knocking and
14 announcing his or her office if it finds, based upon a showing
15 of specific facts, the existence of the following exigent
16 circumstances:

17 (1) That the officer reasonably believes that if
18 notice were given a weapon would be used:

19 (i) against the officer executing the search
20 warrant; or

21 (ii) against another person.

22 (2) That if notice were given there is an imminent
23 "danger" that evidence will be destroyed.

1 (c) Prior to the issuing of a warrant under subsection
2 (b), the officer must attest ~~that~~:

3 (1) that prior to entering the location described in
4 the search warrant, a supervising officer will ensure that
5 each participating member is assigned a body worn camera
6 and is following policies and procedures in accordance
7 with Section 10-20 of the Law Enforcement Officer-Worn
8 Body Camera Act; provided that the law enforcement agency
9 has implemented body worn camera in accordance with
10 Section 10-15 of the Law Enforcement Officer-Worn Body
11 Camera Act. If a law enforcement agency or each
12 participating member of a multi-jurisdictional team has
13 not implemented a body camera in accordance with Section
14 10-15 of the Law Enforcement Officer-Worn Body Camera Act,
15 the officer must attest that the interaction authorized by
16 the warrant is otherwise recorded;

17 (2) that the ~~The~~ supervising officer verified the
18 subject address listed on the warrant for accuracy and
19 planned for children or other vulnerable people on-site;
20 ~~and~~

21 (3) whether the warrant can be effectively executed
22 during daylight hours. In this paragraph (3), "daylight
23 hours" means the hours between 9 a.m. and 7 p.m.;

24 (4) that the request for the warrant is not based upon
25 information from informants who have provided false
26 information that has led to negative raids in the past;

1 and

2 (5) that ~~(3)~~ if an officer becomes aware the search
3 warrant was executed at an address, unit, or apartment
4 different from the location listed on the search warrant,
5 that member will immediately notify a supervisor who will
6 ensure an internal investigation or formal inquiry ensues.

7 (d) A no-knock search warrant shall not be issued when the
8 only offense alleged is possession of a controlled substance
9 unless there is probable cause to believe that the controlled
10 substance is for other than personal use.

11 (e) When an officer, having a warrant for the search of a
12 dwelling, executes the search warrant, the officer shall:

13 (1) execute the warrant between the hours of 9 a.m.
14 and 7 p.m. unless the judge, for good cause, expressly
15 authorizes execution at another time;

16 (2) be readily identifiable as a law enforcement
17 officer in uniform or wearing a visible law enforcement
18 badge that clearly identifies the person as a law
19 enforcement officer;

20 (3) be a member of a special weapons and tactics team
21 or special response team, or another established team or
22 unit trained and tasked with resolving high-risk
23 situations and incidents, who has received appropriate
24 training in the execution of arrest and search warrants
25 authorizing entry without notice. In counties having a
26 population of less than 90,000, when, after reasonable

1 inquiry by the law enforcement officer seeking the
2 warrant, members of the special weapons and tactics team
3 or special response team are not available to timely
4 execute the warrant and the court finds by clear and
5 convincing evidence that the risks to the health and
6 safety of the persons executing the warrant, the occupants
7 of the premises, or the public are greater if the warrant
8 is not timely executed, the court may approve the
9 execution of the warrant without members of a special
10 weapons and tactics team;

11 (4) wear and activate a body-worn camera as required
12 by this Section when entering a premises for the purpose
13 of enforcing the law;

14 (5) have a certified or licensed paramedic or
15 emergency medical technician in proximity and available to
16 provide medical assistance, if needed;

17 (6) be prohibited from pointing firearms at
18 individuals under 18 years old, unless there is clear and
19 present danger to the officer or another person; and

20 (7) knock and announce the officer's presence at a
21 volume loud enough for the officer to reasonably believe
22 the occupants inside can hear, allow a minimum of 30
23 seconds of time before entering given the size of the
24 dwelling for someone to get to the door, and delay entry if
25 the officer has reason to believe that someone is
26 approaching the dwelling's entrance with the intent of

1 voluntarily allowing the officer to enter the dwelling;
2 except that this paragraph (7) does not apply if the
3 circumstances known to the officer at the time provide an
4 objectively reasonable basis to believe that a no-knock
5 entry or not waiting a reasonable amount of time is
6 necessary because of an emergency threatening the life of
7 or grave injury to a person, provided that the imminent
8 danger is not created by law enforcement officers
9 executing the search.

10 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

11 (725 ILCS 5/108-15 new)

12 Sec. 108-15. Peace officers to prepare damage report;
13 negative raids. After executing a search warrant, including a
14 no-knock warrant, the peace officer or officers executing the
15 warrant shall prepare a damage report and make immediate
16 arrangements to address safety concerns caused by the
17 execution of the warrant, such as the breaking down of a door,
18 which leaves a family vulnerable. The data on all search
19 warrants, including the causes of each negative raid, shall be
20 publicly reported. In this Section, "negative raid" means an
21 execution of a search warrant that did not result in obtaining
22 evidence sought in the warrant, an illicit substance, or the
23 apprehension of suspects.

1 INDEX

2 Statutes amended in order of appearance

3 725 ILCS 5/108-8 from Ch. 38, par. 108-8

4 725 ILCS 5/108-15 new