



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5807

Introduced 11/10/2020, by Rep. Maurice A. West, II and Jonathan "Yoni" Pizer

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-8

from Ch. 38, par. 108-8

Amends the Code of Criminal Procedure of 1963. Defines "no-knock search warrant" or "dynamic entry warrant". Provides that a peace officer or other public officer or employee shall not seek or execute a no-knock search warrant or dynamic entry warrant and a court shall not issue such a warrant. Provides that a peace officer or other public officer or employee who violates this provision is guilty of official misconduct. Effective immediately.

LRB101 21693 RLC 72637 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 as follows:

6 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

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

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

11 (b) In this subsection (b), "no-knock search warrant" or
12 "dynamic entry warrant" means a search warrant authorizing
13 peace officers to enter certain premises without first knocking
14 and announcing their presence or purpose prior to entering the
15 premises. A peace officer or other public officer or employee
16 shall not seek or execute a no-knock search warrant or dynamic
17 entry warrant and a court shall not issue such a warrant. A
18 peace officer or other public officer or employee who violates
19 this subsection (b) is guilty of official misconduct under
20 Section 33-3 of the Criminal Code of 2012. ~~The court issuing a~~
21 ~~warrant may authorize the officer executing the warrant to make~~
22 ~~entry without first knocking and announcing his or her office~~
23 ~~if it finds, based upon a showing of specific facts, the~~

1 ~~existence of the following exigent circumstances:~~

2 ~~(1) That the officer reasonably believes that if notice~~
3 ~~were given a weapon would be used:~~

4 ~~(i) against the officer executing the search~~
5 ~~warrant; or~~

6 ~~(ii) against another person.~~

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

9 (Source: P.A. 92-502, eff. 12-19-01.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.