



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB0451

Introduced 2/8/2021, by Rep. Kambium Buckner

#### SYNOPSIS AS INTRODUCED:

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

Amends the Code of Criminal Procedure of 1963. Provides that no law enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. A search warrant authorized under this Section shall require that a law enforcement officer be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by occupants of the place to be searched prior to the execution of the search warrant. After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched. Search warrants authorized under this section shall be executed only in the daytime unless: (1) a judge authorizes the execution of the search warrant at another time for good cause shown; or (2) the search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day. A law enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time. Such reasonable efforts shall be documented in an affidavit and submitted to a judge when seeking the authorization. Any evidence obtained from a search warrant in violation of this subsection shall not be admitted into evidence for the State in any prosecution.

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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. If and only if House Bill 3653 of the 101st  
5 General Assembly does not become law, the Code of Criminal  
6 Procedure of 1963 is amended by changing Section 108-8 as  
7 follows:

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

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

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

13 (b) No law enforcement officer shall seek, execute, or  
14 participate in the execution of a no-knock search warrant. A  
15 search warrant authorized under this Section shall require  
16 that a law enforcement officer be recognizable and  
17 identifiable as a uniformed law enforcement officer and  
18 provide audible notice of his authority and purpose reasonably  
19 expected to be heard by occupants of such place to be searched  
20 prior to the execution of the search warrant. After entering  
21 and securing the place to be searched and prior to undertaking  
22 any search or seizure pursuant to the search warrant, the  
23 executing law enforcement officer shall read and give a copy

1 of the search warrant to the person to be searched or the owner  
2 of the place to be searched or, if the owner is not present, to  
3 any occupant of the place to be searched. If the place to be  
4 searched is unoccupied, the executing law enforcement officer  
5 shall leave a copy of the search warrant suitably affixed to  
6 the place to be searched. Search warrants authorized under  
7 this Section shall be executed only in the daytime unless:

8 (1) a judge authorizes the execution of the search  
9 warrant at another time for good cause shown; or

10 (2) the search warrant is for the withdrawal of blood.

11 A search warrant for the withdrawal of blood may be  
12 executed at any time of day. A law enforcement officer  
13 shall make reasonable efforts to locate a judge before  
14 seeking authorization to execute the warrant at another  
15 time. Such reasonable efforts shall be documented in an  
16 affidavit and submitted to a judge when seeking the  
17 authorization. Any evidence obtained from a search warrant  
18 in violation of this subsection shall not be admitted into  
19 evidence for the State in any prosecution. ~~The court~~  
20 issuing a warrant may authorize the officer executing the  
21 warrant to make entry without first knocking and  
22 announcing his or her office if it finds, based upon a  
23 showing of specific facts, the existence of the following  
24 exigent circumstances:

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

1                   ~~(i) against the officer executing the search~~  
2                   ~~warrant; or~~

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

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

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

7                   Section 10. If and only if House Bill 3653 of the 101st  
8                   General Assembly becomes law, the Code of Criminal Procedure  
9                   of 1963 is amended by changing Section 108-8 as follows:

10                   (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

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

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

15                   (b) No law enforcement officer shall seek, execute, or  
16                   participate in the execution of a no-knock search warrant. A  
17                   search warrant authorized under this Section shall require  
18                   that a law enforcement officer be recognizable and  
19                   identifiable as a uniformed law enforcement officer and  
20                   provide audible notice of his authority and purpose reasonably  
21                   expected to be heard by occupants of the place to be searched  
22                   prior to the execution of the search warrant. After entering  
23                   and securing the place to be searched and prior to undertaking  
24                   any search or seizure pursuant to the search warrant, the

1 executing law enforcement officer shall read and give a copy  
2 of the search warrant to the person to be searched or the owner  
3 of the place to be searched or, if the owner is not present, to  
4 any occupant of the place to be searched. If the place to be  
5 searched is unoccupied, the executing law enforcement officer  
6 shall leave a copy of the search warrant suitably affixed to  
7 the place to be searched. Search warrants authorized under  
8 this Section shall be executed only in the daytime unless:

9 (1) a judge authorizes the execution of the search  
10 warrant at another time for good cause shown; or

11 (2) the search warrant is for the withdrawal of blood.  
12 A search warrant for the withdrawal of blood may be  
13 executed at any time of day. A law enforcement officer  
14 shall make reasonable efforts to locate a judge before  
15 seeking authorization to execute the warrant at another  
16 time. Such reasonable efforts shall be documented in an  
17 affidavit and submitted to a judge when seeking the  
18 authorization. Any evidence obtained from a search warrant  
19 in violation of this subsection shall not be admitted into  
20 evidence for the State in any prosecution. ~~The court~~  
21 ~~issuing a warrant may authorize the officer executing the~~  
22 ~~warrant to make entry without first knocking and~~  
23 ~~announcing his or her office if it finds, based upon a~~  
24 ~~showing of specific facts, the existence of the following~~  
25 ~~exigent circumstances:~~

26 ~~(1) That the officer reasonably believes that if~~

1 ~~notice were given a weapon would be used:~~

2 ~~(i) against the officer executing the search~~  
3 ~~warrant; or~~

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

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

7 (c) (Blank). ~~Prior to the issuing of a warrant under~~  
8 ~~subsection (b), the officer must attest that:~~

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

22 ~~(2) steps were taken in planning the search to ensure~~  
23 ~~accuracy and plan for children or other vulnerable people~~  
24 ~~on-site; and~~

25 ~~(3) if an officer becomes aware the search warrant was~~  
26 ~~executed at an address, unit, or apartment different from~~

1       ~~the location listed on the search warrant, that member~~  
2       ~~will immediately notify a supervisor who will ensure an~~  
3       ~~internal investigation ensues.~~

4       (Source: P.A. 92-502, eff. 12-19-01; 101HB3653 enrolled.)