

State of Minnesota

H. F. No. 98

1.1 A bill for an act

1.2 relating to public safety; regulating no-knock search warrants; amending Minnesota

1.3 Statutes 2018, section 626.14.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 626.14, is amended to read:

1.6 **626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.**

1.7 Subdivision 1. **Time.** A search warrant may be served only between the hours of 7:00

1.8 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits

1.9 that a nighttime search outside those hours is necessary to prevent the loss, destruction, or

1.10 removal of the objects of the search or to protect the searchers or the public. The search

1.11 warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m.

1.12 unless a nighttime search outside those hours is authorized.

1.13 Subd. 2. **Definition.** For the purpose of this section, "no-knock search warrant" means

1.14 a search warrant authorizing peace officers to enter certain premises without first knocking

1.15 and announcing the officer's presence or purpose prior to entering the premises. No-knock

1.16 search warrants may also be referred to as dynamic entry warrants.

1.17 Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall

1.18 seek a no-knock search warrant unless the warrant application includes at a minimum:

1.19 (1) all documentation and materials the issuing court requires; and

1.20 (2) a sworn affidavit as provided in section 626.08.

(b) No-knock search warrants are limited to the following offenses: murder in the first degree, hostage taking, kidnapping, terrorism, or human trafficking.

Subd. 4. **Warrant application form.** (a) A law enforcement agency shall develop a warrant application form. A completed warrant application form shall accompany every request for a no-knock search warrant.

(b) The warrant application form must be completed, signed, and dated by the peace officer seeking the no-knock search warrant.

(c) Each warrant application must explain, in detailed terms, the following:

(1) why peace officers are unable to detain the suspect or search the residence using less invasive means or methods;

(2) what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed; and

(3) whether the warrant can be effectively executed during daylight hours according to subdivision 1.

(d) The chief of police and the supervising officer must review each warrant application form. If the chief of police or commanding officer is unavailable, the direct superior officer shall review the materials.

(e) The warrant application form shall contain a certification of review section. The form shall provide that, by executing the certification, the individual signing the form has reviewed its contents and approves the request for a no-knock search warrant. The chief of police and the commanding officer, or the direct superior officer, must each sign, date, and indicate the time of the certification.

(f) Under no circumstance shall a no-knock search warrant be issued when the only crime alleged is drug possession or when the peace officers have prior knowledge of an individual's disability within the meaning of United States Code, title 42, section 12102.

Subd. 4. **Reporting requirements regarding no-knock search warrants.** (a) Law enforcement agencies shall report quarterly to the commissioner of public safety regarding the use of no-knock search warrants. The report shall include the following information:

(1) the number of no-knock search warrants requested;

(2) the number of no-knock search warrants the court issued;

(3) the number of no-knock search warrants executed; and

- 3.1 (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians
3.2 in the execution of no-knock search warrants.
- 3.3 (b) The commissioner of public safety shall report the information provided under
3.4 paragraph (a) annually to the chairs and ranking members of the legislative committees with
3.5 jurisdiction over public safety.