

# HB3261



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3261

Introduced 2/19/2021, by Rep. Maurice A. West, II

### 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.

LRB102 12046 KMF 17382 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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

1 ~~of specific facts, the existence of the following exigent~~  
2 ~~circumstances:~~

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

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

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

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

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

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