



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5567

Introduced 1/31/2022, by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-15 new

Amends the Code of Criminal Procedure of 1963. Creates the Anjanette Young Law. Prohibits no-knock search warrants. Provides requirements for the issuance and execution of search warrants, including, but not limited to, the use of informants, the conduct of police officers, video and audio recording, the treatment of children, property damage, and securing searched premises. Provides that these provisions control over other laws relating to search warrants. Defines terms.

LRB102 24815 RLC 34060 b

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 adding Section 108-15 as follows:

6 (725 ILCS 5/108-15 new)

7 Sec. 108-15. Search warrants. This Section may be known as
8 the Anjanette Young Law. Notwithstanding any provision of law
9 to the contrary:

10 (a) No police officer shall execute a no-knock warrant and
11 no police officer shall seek from any court a warrant
12 authorizing an officer to execute the warrant to make entry
13 into a residence without first knocking, announcing his or her
14 office, and giving the occupants a reasonable amount of time,
15 no less than 30 seconds, to respond.

16 (b) When conducting any law enforcement activity,
17 including, but not limited to, the execution of residential
18 warrants, police officers are required to use tactics that are
19 the least intrusive to people's home, property and person and
20 least harmful to people's physical and emotional health. When
21 developing and executing tactics, law enforcement agencies
22 must implement measures to protect individuals' dignity
23 interests, privacy interests and property interests and must

1 take measures required to protect people from physical and
2 emotional harm. Every planned execution of a residential
3 warrant must contain a detailed explanation regarding how the
4 planned action meets this least intrusive, least harmful
5 standard, including a plan for children and other vulnerable
6 people, including people with disabilities, who may be
7 on-site. The head of the law enforcement agency must approve
8 each plan prior to the execution of the warrant.

9 (c) Each law enforcement agency shall record and publish
10 data about each residential warrant executed by the agency,
11 including the: location of the warrant, the force used during
12 the warrant's execution; any allegations of police misconduct
13 or excessive force during the execution of the warrant,
14 including the names, badge numbers, and units of assignment of
15 the accused officers; the race, gender, and age of each
16 individual present inside the residence during the execution
17 of the warrant; the use of handcuffs or any other type of
18 restraint during the execution of the warrant; the presence of
19 any children during the execution of the warrant; the recovery
20 of any contraband; any arrests; and whether the warrant was a
21 negative warrant. After every negative warrant, the law
22 enforcement agency shall provide the public with a written
23 explanation describing the causes of the negative raid.

24 (d) No police officer shall seek a warrant relying solely
25 on an informant's representation, but instead must supplement
26 with independent investigation and reasonable surveillance to

1 corroborate the information and ascertain that the target of
2 the warrant is present at the location of the warrant's
3 execution. The member seeking application for a search warrant
4 must describe in the application what they did to corroborate
5 the informant's representations and the results of their
6 independent investigation, including any observations that
7 tended to corroborate or contradict the informant's
8 representations.

9 (e) The credibility of informants must be assessed. If an
10 informant has given information that led to a negative warrant
11 in the past, a law enforcement agency must not rely on that
12 information when seeking judicial authorization for a search
13 warrant.

14 (f) No police officer shall seek a search warrant without
15 first receiving supervisory approval. The officer's supervisor
16 shall ensure that the officer relying upon information from an
17 informant has undergone adequate independent surveillance to
18 corroborate the information provided by the informant with at
19 least one additional non-informant source, prior to seeking
20 judicial authorization for a search warrant.

21 (g) Search warrants must be executed in a manner to ensure
22 that people inside a residence may be searched only by
23 officers of their preferred gender identity. The law
24 enforcement agency shall ensure that there is at least one
25 member who does not identify as male (including at least one
26 woman) present from the time of initial entry during the

1 execution of each residential search warrant. All police
2 officers executing a warrant must be dressed in their official
3 law enforcement agency uniforms.

4 (h) No planned law enforcement action, including, but not
5 limited to, the execution of warrants can occur unless police
6 officers have taken all available measures to avoid executing
7 the warrant when children are present.

8 (i) The execution of all residential search warrants must
9 be conducted between 9:00 am and 7:00 pm, absent verifiable
10 exigent circumstances.

11 (j) If children are present during a planned law
12 enforcement action, police officers must call dispatch and
13 inform operators about the presence of children.

14 (k) During the execution of a warrant, police officers are
15 prohibited from pointing firearms at, handcuffing, or
16 otherwise restraining children.

17 (l) During the execution of a warrant, police officers are
18 prohibited from pointing firearms at, handcuffing, or
19 otherwise restraining parents, relatives, or caregivers of
20 children while in the presence of children.

21 (m) During the execution of a warrant, police officers are
22 prohibited from pointing firearms at any person unless the
23 person presents an imminent risk of death or serious bodily
24 injury to another person.

25 (n) During the execution of a warrant, police officers are
26 prohibited from interrogating or questioning children, barring

1 exceptional circumstances when limited questions are necessary
2 to protect people in the home from an immediate threat of
3 physical harm.

4 (n) During the execution of a warrant, police officers
5 must take all available measures to avoid any damage or
6 destruction to property or possessions of the place of the
7 warrant's execution.

8 (o) Police officers who execute a residential warrant must
9 prepare a damage report before leaving the home, which
10 documents all property that the officers damaged. Police
11 officers must secure the home before leaving, and make
12 immediate arrangements to repair any damage that poses a
13 threat to the safety of the residents, including but not
14 limited to doors, windows, and appliances and to ensure that
15 any such threats to the safety of the residents are remedied
16 within 4 hours of the officers concluding the execution of the
17 warrant. In addition, officers must work with the residents to
18 make arrangements for the prompt repair or replacement of any
19 other damaged property, or to reimburse residents for the
20 same.

21 (p) Each police officer who executes a warrant must wear
22 and activate his or her body camera during the entire
23 execution of the warrant.

24 (q) All law enforcement agencies shall permanently retain
25 all video and audio recordings of the execution of residential
26 each search warrant. Upon receipt of a request from any person

1 whose residence or person is depicted in video or audio
2 recordings in the custody or control of the law enforcement
3 agency, or the representative of such a person, relating to an
4 encounter with police officers of that law enforcement agency,
5 the law enforcement agency must provide to that person
6 unredacted copies of all video and audio recordings within 2
7 days.

8 (r) For every warrant execution, the head of the law
9 enforcement agency or his or her designee will review all
10 relevant evidence, including, but not limited to, video
11 footage, warrant applications, and incident reports to ensure
12 compliance with this Section. If the head of the law
13 enforcement agency or his or her designee has a reasonable
14 suspicion that any police officer of the law enforcement
15 agency violated any provision of this Section, the head of the
16 law enforcement agency will immediately strip that officer of
17 his or her police powers and refer the officer for further
18 disciplinary proceedings, up to and including termination.

19 (s) No affidavit, sworn testimony, or statement shall be
20 required to initiate an investigation into an allegation of
21 misconduct against any police officer for conduct during the
22 execution of a warrant.

23 (t) Construction. Where the provisions of this Section
24 conflict with any other provision of law, including, but not
25 limited to, this Article, this Section shall control.

26 (u) Definitions. As used in this Section:

1 "Children" includes anyone who appears to be 16 years
2 of age or younger.

3 "Negative warrant" means a search warrant which did
4 not result in the arrest of the target of the warrant or
5 recovery of contraband or evidence identified in the
6 warrant.

7 "No-knock warrant" means a search warrant to be
8 executed by making entry without the serving officer first
9 knocking and announcing his or her office.

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