

HB 507 - AS INTRODUCED

2021 SESSION

21-0748

04/11

HOUSE BILL

507

AN ACT prohibiting no-knock warrants.

SPONSORS: Rep. Amanda Bouldin, Hills. 12; Rep. McWilliams, Merr. 27; Rep. Andrew Bouldin, Hills. 12; Rep. Bordenet, Ches. 5; Rep. Labranche, Hills. 22; Rep. Craig, Coos 4; Rep. Gourgue, Straf. 25; Rep. Meuse, Rock. 29; Rep. Nutting-Wong, Hills. 32; Rep. DiLorenzo, Rock. 17; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits a law enforcement officer from seeking, executing, or participating in the execution of a no-knock search warrant.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT prohibiting no-knock warrants.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Search Warrants; Requisites of Warrant; No-Knock Warrants Prohibited. Amend RSA 595-
2 A:2 to read as follows:

3 595-A:2 Requisites of Warrant.

4 ***I.*** Search warrants shall designate or describe the person, building, vessel, or vehicle to be
5 searched and shall particularly describe the property or articles to be searched for. They shall be
6 substantially in the form prescribed in RSA 595-A:3 and shall be directed to a sheriff or his deputy or
7 to a constable or police officer, commanding him to search in the daytime, or if the warrant so
8 directs, in the nighttime, the person, building, vessel, or vehicle where the property or articles for
9 which he is required to search are believed to be concealed, and to bring such property or articles
10 when found, and the persons in whose possession they are found, before any circuit or superior court
11 named therein.

12 ***II.*** *No law enforcement officer shall seek, execute, or participate in the execution of*
13 *a no-knock search warrant. In this paragraph, a "no-knock search warrant" is a warrant*
14 *that authorizes law enforcement officers to enter certain premises to execute a warrant*
15 *without first knocking or announcing their presence. Any law enforcement officer involved*
16 *in executing a search warrant shall be recognizable and identifiable as a uniformed law*
17 *enforcement officer and provide audible notice of the officer's authority and purpose*
18 *reasonably expected to be heard by occupants of such place to be searched prior to the*
19 *execution of such search warrant. The executing officer shall, before entering the*
20 *premises, give appropriate notice of the identity, authority, and purpose of the officer to the*
21 *person to be searched, or to the person in apparent control of the premises to be searched.*
22 *The officer may break open any outer door, inner door, window or any part of a house, or*
23 *anything therein, to execute the warrant if, after due notice of the officer's authority and*
24 *purpose, the officer is refused admittance to the house or access to anything therein. No*
25 *evidence obtained from a search warrant in violation of this paragraph shall be admitted*
26 *into evidence for the state in any prosecution.*

27 2 Effective Date. This act shall take effect 60 days after its passage.