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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3398

02/14/2022 Authored by Hollins, Agbaje, Frazier, Pinto, Moller and others
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
02/24/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law
03/28/2022 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

A bill for an act

relating to public safety; prohibiting no-knock search warrants; amending Minnesota Statutes 2021 Supplement, section 626.14, subdivision 2, by adding a subdivision; repealing Minnesota Statutes 2021 Supplement, section 626.14, subdivisions 3, 4.

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

Section 1. Minnesota Statutes 2021 Supplement, section 626.14, subdivision 2, is amended to read:

Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first loudly knocking and loudly and understandably announcing the officer's presence or purpose and waiting no less than 30 seconds thereafter prior to entering the premises to allow compliance by the subject. No-knock search warrants may also be referred to as dynamic entry warrants.

Sec. 2. Minnesota Statutes 2021 Supplement, section 626.14, is amended by adding a subdivision to read:

Subd. 2a. **No-knock search warrants prohibited.** A court may not issue or approve a no-knock search warrant.

Sec. 3. **REPEALER.**

Minnesota Statutes 2021 Supplement, section 626.14, subdivisions 3 and 4, are repealed.

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

Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum:

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

(2) the information specified in paragraph (b); and

(3) a sworn affidavit as provided in section 626.08.

(b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following:

(1) why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the residence through the use of a knock and announce warrant;

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

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

(c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties.

(d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

Subd. 4. **Reporting requirements regarding no-knock search warrants.** (a) Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. 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;

(4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and

(5) any other information the commissioner requests.

(b) The commissioner of public safety shall report the information provided under paragraph (a) annually to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety.