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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R.

To establish limitations on the use of no-knock warrants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. OMAR introduced the following bill; which was referred to the Committee on _____

A BILL

To establish limitations on the use of no-knock warrants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amir Locke End Dead-
5 ly No-Knock Warrants Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **BYRNE GRANT PROGRAM.**—The term
9 “Byrne grant program” means any grant program

1 under subpart 1 of part E of title I of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (34
3 U.S.C. 10151 et seq.), without regard to whether
4 the funds are characterized as being made available
5 under the Edward Byrne Memorial State and Local
6 Law Enforcement Assistance Programs, the Local
7 Government Law Enforcement Block Grants Pro-
8 gram, the Edward Byrne Memorial Justice Assist-
9 ance Grant Program, or otherwise.

10 (2) COPS GRANT PROGRAM.—The term “COPS
11 grant program” means the grant program author-
12 ized under section 1701 of title I of the Omnibus
13 Crime Control and Safe Streets Act of 1968.

14 (3) COVERED LAW ENFORCEMENT TASK
15 FORCE.—The term “covered law enforcement task
16 force” means a law enforcement task force that has
17 not less than 1 Federal law enforcement agency or
18 Federal law enforcement officer as a member.

19 (4) COVERED FEDERAL WARRANT.—The term
20 “covered Federal warrant” means a warrant author-
21 izing a search by a Federal law enforcement officer
22 or covered law enforcement task force.

23 (5) DAYLIGHT HOURS.—The term “daylight
24 hours” means any time beginning at 9:00 a.m. and

1 ending at 6:00 p.m. in the time zone in which a war-
2 rant is to be executed.

3 (6) NO-KNOCK ENTRY.—The term “no-knock
4 entry” means entry into a property by a law enforce-
5 ment officer without the law enforcement officer
6 knocking and announcing their presence, authority,
7 and intention to enter the property.

8 (7) NIGHTTIME.—The term “nighttime” means
9 any time other than daylight hours in the time zone
10 in which a warrant is to be executed.

11 **SEC. 3. FEDERAL SEARCH WARRANTS.**

12 (a) NO-KNOCK ENTRY REQUIREMENTS.—

13 (1) BAR IN DRUG CASES.—A covered Federal
14 warrant may not authorize a no-knock entry for the
15 investigation of any offense related to drugs.

16 (2) REQUIREMENTS FOR COURT AUTHORIZA-
17 TION.—A court—

18 (A) may only issue a covered Federal war-
19 rant authorizing a no-knock entry if the court
20 determines there is clear and convincing evi-
21 dence, supported by particularized facts, that
22 law enforcement officers entering the property
23 without announcing their presence and inten-
24 tion to enter is necessary because notice prior
25 to entry would substantially endanger the life or

1 safety of the law enforcement officer or other
2 persons; and

3 (B) may not issue a covered Federal war-
4 rant authorizing a no-knock entry for the inves-
5 tigation of any offense related to drugs.

6 (3) AVOIDING DESTRUCTION OF PROPERTY AND
7 INJURY OF PERSONS.—

8 (A) IN GENERAL.—In executing a covered
9 Federal warrant, law enforcement officers shall
10 seek to avoid the destruction of property and
11 injury of persons occasioned by forcible entry
12 and execution of a search.

13 (B) RESTITUTION.—Any person who is in-
14 jured by, or the owner of property damaged by,
15 law enforcement officers during the execution of
16 a covered Federal warrant may bring an action
17 against the United States in the appropriate
18 Federal district court for appropriate relief, in-
19 cluding restitution, unless the person is con-
20 victed of an offense related to the covered Fed-
21 eral warrant.

22 (4) CONFORMING AMENDMENT FOR DRUG IN-
23 VESTIGATIONS.—Section 509 of the Controlled Sub-
24 stances Act (21 U.S.C. 879) is amended—

1 (A) by striking “A search warrant” and in-
2 serting “(a) A search warrant”; and

3 (B) by adding at the end the following:

4 “(b) A Federal law enforcement officer (as defined
5 in section 2 of the Law Enforcement Congressional Badge
6 of Bravery Act of 2008 (34 U.S.C. 50301)) may not make
7 a no-knock entry (as defined in section 2 of the Amir
8 Locke End Deadly No-Knock Warrants Act).”.

9 (b) PLANNING AND EXECUTION OF ALL COVERED
10 FEDERAL WARRANTS.—

11 (1) EXECUTION DURING DAYLIGHT HOURS.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), a covered Federal warrant
14 shall only authorize execution of the covered
15 Federal warrant during daylight hours not later
16 than 7 days after such warrant is issued, and
17 such a warrant shall only be executed by a Fed-
18 eral law enforcement officer or covered law en-
19 forcement task force during such hours.

20 (B) COURT AUTHORIZATION FOR NIGHT-
21 TIME SERVICE.—A court may authorize a cov-
22 ered Federal warrant to be executed outside of
23 daylight hours if the court determines that the
24 application for such warrant contains particu-
25 larized facts indicating that nighttime execution

1 is necessary because execution of the warrant
2 during daylight hours would substantially en-
3 danger the life or safety of law enforcement of-
4 ficers or other persons.

5 (2) APPLICATION FOR A WARRANT.—

6 (A) APPROVAL.—An application for a cov-
7 ered Federal warrant may not be submitted for
8 consideration by a court unless the head of the
9 law enforcement agency approves such an appli-
10 cation. The authority for approval described in
11 this subparagraph may not be delegated.

12 (B) CONTENTS OF APPLICATION.—An ap-
13 plication for a covered Federal warrant shall in-
14 clude—

15 (i) a description of what investigative
16 activities have been undertaken to support
17 the request for such a warrant, or why no
18 such investigative activity is needed; and

19 (ii) in the case of an application for a
20 no-knock warrant, an explanation for why
21 the applicant is unable to detain the sus-
22 pect or search the premises without knock-
23 ing or announcing law enforcement pres-
24 ence or using other less invasive methods.

1 (3) POTENTIAL PRESENCE OF VULNERABLE IN-
2 DIVIDUALS.—

3 (A) EVALUATION.—An application for a
4 covered Federal warrant shall assess, and a
5 court issuing a covered Federal warrant shall
6 evaluate and include information with respect to
7 the primary language of the individuals on the
8 premises, whether there will be children, indi-
9 viduals with a disability, individuals who are el-
10 derly, or other vulnerable individuals present at
11 the location where the covered Federal warrant
12 is to be executed.

13 (B) REQUIREMENTS FOR ISSUANCE.—A
14 covered Federal warrant may only authorize the
15 search of a location where a child, individual
16 with a disability, individual who is elderly, or
17 other vulnerable individual will be present if the
18 court determines, based on particularized facts,
19 that there is a clear necessity for such search
20 to avoid endangering the life or safety of law
21 enforcement officers or other persons and that
22 a safety plan is in place to ensure the safety of
23 the vulnerable individuals.

24 (4) KNOCK AND ANNOUNCE REQUIREMENT.—
25 Except in any case in which a covered Federal war-

1 rant authorizes no-knock entry, during execution of
2 a covered Federal warrant—

3 (A) a law enforcement officer shall be eas-
4 ily recognizable and identifiable as a uniformed
5 law enforcement officer;

6 (B) a law enforcement officer shall knock
7 and audibly, or in a manner sufficient to pro-
8 vide notice to any person with a disability, and
9 with consideration to the native language of the
10 occupants, announce the officer's identity as a
11 law enforcement officer, authority pursuant to
12 the warrant, and purpose;

13 (C) an audible knock and announcement
14 shall be provided in a manner reasonably ex-
15 pected to be received and understood by occu-
16 pants of the premises to be searched based on
17 the size and nature of the location;

18 (D) a body worn camera or any other gov-
19 ernment issued recording device shall be record-
20 ing at least 5 minutes prior to the start of a
21 covered Federal warrant execution, during any
22 subsequent entry and the entirety of the search
23 of the premises, and 5 minutes following the
24 exit of the premises; and

1 (E) law enforcement officers shall delay
2 entry for at least 30 seconds, or a sufficient
3 amount of time after the announcement, which-
4 ever is greater, based on the size and nature of
5 the premises and occupants, to allow the occu-
6 pant a reasonable opportunity to respond.

7 (5) EXCEPTION TO DELAYED ENTRY REQUIRE-
8 MENT.—Notwithstanding paragraph (4)(E), law en-
9 forcement officers may forcibly enter into the prem-
10 ises in less than 30 seconds if—

11 (A) a covered Federal warrant authorizes a
12 no-knock entry; or

13 (B) a verifiable exigent circumstance ex-
14 ists, there is an imminent threat to the life of
15 law enforcement officers or others, and law en-
16 forcement officers provide information about
17 such exigency in the warrant execution report.

18 (6) VERIFICATION OF PLACE TO BE
19 SEARCHED.—Before executing a covered Federal
20 warrant, law enforcement officers shall verify that
21 the address or location about to be searched is the
22 correct address or location authorized to be searched
23 under the covered Federal warrant. Such verification
24 shall occur within the 24 hours prior to execution of
25 the covered Federal warrant.

1 (7) USE OF EXPLOSIVE DEVICES.—Law en-
2 forcement officers executing a covered Federal war-
3 rant shall not use or possess flash-bang stun gre-
4 nades, other explosive devices, chemical weapons, or
5 any military-grade firearm, unless expressly author-
6 ized under the covered Federal warrant based on
7 clearly articulated reasons, supported by particular-
8 ized facts, that the use of any such device is nec-
9 essary under the particularized circumstances to
10 protect the life or safety of law enforcement officers
11 or other persons.

12 (c) DATA COLLECTION.—

13 (1) IN GENERAL.—A Federal law enforcement
14 agency shall—

15 (A) collect data about—

16 (i) the items to be seized under a cov-
17 ered Federal warrant, as described in the
18 application;

19 (ii) the items seized in the execution
20 of that covered Federal warrant;

21 (iii) the total number of covered Fed-
22 eral warrant applications and the number
23 of no-knock warrant applications;

24 (iv) the total number of covered Fed-
25 eral warrant applications granted and the

1 number of no-knock warrant applications
2 granted;

3 (v) the number of forcible entries
4 made while executing warrants (both where
5 no-knock entry is explicitly authorized by
6 the warrant and when not explicitly au-
7 thorized), including a description of the
8 circumstances under which forcible entry
9 occurred and why warrant requirements
10 were modified; and

11 (vi) injuries that occur during the exe-
12 cution of warrants (sustained by both law
13 enforcement and others); and

14 (B) submit the data collected under para-
15 graph (1) to the Attorney General.

16 (2) ATTORNEY GENERAL REPORT.—Not later
17 than 2 years after the date of enactment of this Act,
18 and every 2 years thereafter, the Attorney General
19 shall make available to the public on the Department
20 of Justice website a review and analysis of the data
21 submitted to the Attorney General pursuant to para-
22 graph (1)(B).

23 (d) EXCLUSION OF EVIDENCE.—Evidence obtained
24 in violation of this section may not be admissible in any
25 trial, hearing, or proceeding in or before any court, depart-

1 ment, officer, agency, regulatory body, or other authority
2 of the United States, a State, or a political subdivision
3 thereof.

4 (e) OFFICER ACCOUNTABILITY.—Any law enforce-
5 ment officer who executes a covered Federal warrant in
6 violation of the requirements of this section shall be sub-
7 ject to such consequence as the Attorney General deter-
8 mines appropriate, including rendering all evidence col-
9 lected pursuant to the violation inadmissible, suspension
10 of duty, civil penalties, or termination.

11 **SEC. 4. LIMITATION ON STATE AND LOCAL LAW ENFORCE-**
12 **MENT ELIGIBILITY FOR FUNDS.**

13 Beginning in the first fiscal year that begins after
14 the date that is 1 year after the date of enactment of this
15 Act, a law enforcement agency of a State or unit of local
16 government may not receive funds made available to the
17 State or local government under the Byrne grant program
18 or the COPS grant program for a fiscal year if, on the
19 day before the first day of the fiscal year, the State or
20 local law enforcement agency of the State or unit of local
21 government does not have in effect policies that are sub-
22 stantially similar to the policies described in section 3.