

Effective 5/4/2022

77-7-8.1 Forcible entry to conduct a search -- Conditions requiring a warrant -- No-knock warrants.

- (1) As used in this section:
 - (a) "Daytime hours" means the same as that term is defined in Section 77-7-5.
 - (b) "Forcible entry" means the same as that term is defined in Section 77-7-8.
 - (c) "Nighttime hours" means the same as that term is defined in Section 77-7-5.
 - (d) "No-knock warrant" means a lawful search warrant that authorizes entry into a building without notice to any occupant in the property or building at the time of service.
 - (e) "Supervisory official" means the same as that term is defined in Section 77-7-8.
- (2) Subject to the provisions of this section, an officer serving a lawful no-knock warrant may make a forcible entry onto the property or building to be searched without notice.
- (3) Before seeking a no-knock warrant from a judge or magistrate under Subsection (2), a supervisory official shall, using the officer's affidavit:
 - (a) independently perform an assessment to evaluate the totality of the circumstances;
 - (b) ensure reasonable intelligence gathering efforts have been made;
 - (c) ensure a threat assessment was completed on the person or building to be searched; and
 - (d) determine either that there is a sufficient basis to support seeking a warrant or require that the officer continue evidence gathering efforts.
- (4)
 - (a) The affidavit for a no-knock warrant shall describe:
 - (i) why the officer believes the suspect is unable to be detained or the residence searched using less invasive or less confrontational methods;
 - (ii) investigative activities that have been undertaken to ensure that the correct building is identified and that potential harm to innocent third parties, the building, and officers may be minimized; or
 - (iii) the present or imminent threat of serious bodily injury or death to a person inside, outside, or in near proximity to the building.
 - (b) A no-knock warrant shall be served during daytime hours unless the affidavit states sufficient grounds to believe a search is necessary during nighttime hours.
- (5) Upon serving a no-knock warrant, an officer shall wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing which shows that the person is a law enforcement officer.
- (6) Notwithstanding any other provision of this chapter, an officer may not request a no-knock warrant if the warrant is solely for a misdemeanor investigation.

Enacted by Chapter 131, 2022 General Session