

**Effective 5/12/2015**

**77-7-8 Forcible entry to conduct search or make arrest -- Conditions requiring a warrant.**

- (1)
  - (a) Subject to Subsection (2), a peace officer when making an arrest may forcibly enter the building in which the person to be arrested is located, or in which there is probable cause for believing the person to be.
  - (b) Before making the forcible entry, the officer shall:
    - (i) identify himself or herself as a law enforcement officer;
    - (ii) demand admission;
    - (iii) wait a reasonable period of time for an occupant to admit access; and
    - (iv) explain the purpose for which admission is desired.
  - (c)
    - (i) The officer need not give a demand and explanation, or identify himself or herself, before making a forcible entry under the exceptions in Section 77-7-6 or where there is probable cause to believe evidence will be easily or quickly destroyed.
    - (ii) The officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering the premises.
  - (d) The officer may use only that force which is reasonable and necessary to effectuate forcible entry under this section.
- (2) If the building to be entered under Subsection (1) appears to be a private residence or the officer knows the building is a private residence, and if there is no consent to enter or there are no exigent circumstances, the officer shall, before entering the building:
  - (a) obtain an arrest or search warrant if the building is the residence of the person to be arrested; or
  - (b) obtain a search warrant if the building is a residence, but not the residence of the person whose arrest is sought.
- (3) Notwithstanding any other provision of this chapter, forcible entry under this section may not be made solely for the alleged:
  - (a) possession or use of a controlled substance under Section 58-37-8; or
  - (b) the possession of drug paraphernalia as defined in Section 58-37a-3.

Amended by Chapter 317, 2015 General Session