

28 Section 1. Section 77-7-8 is amended to read:

29 **77-7-8. Forcible entry to conduct search or make arrest -- Conditions requiring a**
30 **warrant.**

31 (1) As used in this section:

32 (a) "Daytime hours" means the same as that term is defined in Section 77-7-5.

33 (b) [~~"Forcible entry"~~] "Forcibly enter" means entering any [~~building, room,~~
34 ~~conveyance, compartment, or other enclosure~~] premises by force.

35 (c) "Knock" means to knock with reasonably strong force in a quick succession of three
36 or more contacts with a door or other point of entry into a building that would allow the
37 occupant to reasonably hear the peace officer's demand for entry.

38 (d) "Knock and announce warrant" means a lawful search warrant that authorizes entry
39 into a building after knocking and demanding entry onto [~~property or building as outlined~~] a
40 premises described in Subsection (2).

41 (e) "Nighttime hours" means the same as that term is defined in Section 77-7-5.

42 (f) "Peace officer" means the same as that term is defined in Section 53-1-102.

43 (g) "Premises" means any ~~Ĥ~~→ [~~property,~~] ←~~Ĥ~~ building, room, conveyance, compartment,
43a or other
44 enclosure.

45 [~~(f)~~] (h) (i) "Supervisory official" means a command-level officer [~~and~~].

46 (ii) "Supervisory official" includes [~~all sheriffs, heads of law enforcement agencies~~] a
47 sheriff, a head of a law enforcement agency, and [all] a supervisory enforcement [officers]
48 officer equivalent to a sergeant rank or higher.

49 (2) (a) Subject to the provisions of this [~~subsection, an~~] Subsection (2), a peace officer
50 when making a lawful arrest, or serving a [~~lawful~~] knock and announce warrant, may [~~make~~
51 ~~forcible entry~~] forcibly enter a premises:

52 (i) [~~where the person~~] if the individual to be arrested is located[;] within the premises;

53 or

54 (ii) [~~where~~] if there is probable cause [for believing the person to be] to believe that the
55 individual is located within the premises.

56 (b) (i) [~~Before making the forcible entry, the~~] Subject to Subsection (3), before forcibly
57 entering a premises as described in Subsection (2)(a), a peace officer shall:

58 [~~(i)~~] (A) wear readily identifiable markings, including a badge and vest or clothing with

59 a distinguishing label or other writing [~~which~~] that identifies the [~~person~~] individual as a law
60 enforcement officer;

61 [~~(ii)~~] (B) audibly identify himself or herself as a law enforcement officer;

62 [~~(iii)~~] (C) knock and demand admission more than once;

63 [~~(iv)~~] (D) wait a reasonable period of time for an occupant to admit access after
64 knocking and demanding admission; and

65 [~~(v)~~] (E) explain the purpose for which admission is desired.

66 (3) [~~(c)~~] (a) [~~(i)~~] ~~The officer need not knock, give a demand and explanation, or identify~~
67 ~~himself or herself, before making a forcible entry]~~ A peace officer does not need to:

68 (i) comply with the requirements of Subsection (2)(b)(i)(B), (2)(b)(i)(C), (2)(b)(i)(D),
69 and (2)(b)(i)(E) before forcibly entering a premises:

70 (A) under the exceptions in Section 77-7-6 or 77-7-8.1;

71 (B) where there is probable cause to believe exigent circumstances exist due to the
72 destruction of evidence; or

73 (C) where there is reasonable suspicion to believe exigent circumstances exist due to
74 the physical safety of [~~an~~] a peace officer or individual inside or in near proximity to the
75 [~~building~~] premises; or

76 (ii) comply with the requirements described in Subsections (2)(b)(i)(C) and (2)(b)(i)(D)
77 before forcibly entering a premises if the officer, or another peace officer:

78 (A) has been near the premises for an extended amount of time and a reasonable person
79 would conclude that an individual on the premises knows or should know that a peace officer is
80 present;

81 (B) has demanded admission ~~H~~→ and announced an intent to enter the premises more
81a than once ←~~H~~ ; and

82 (C) has complied with Subsections (2)(b)(i)(A), (2)(b)(i)(B), and (2)(b)(i)(E).

83 [~~(ii)~~] (b) [~~The~~] If a peace officer forcibly enters a premises under Subsection (3)(a)(i),
84 the peace officer shall identify himself or herself and state the purpose for entering the
85 premises as soon as practicable after entering the premises.

86 [~~(d)~~] (4) The peace officer may use only that force [~~which~~] that is reasonable and
87 necessary to [~~effectuate forcible entry~~] forcibly enter a premises under this section.

88 [~~(3)~~] (5) Subject to Subsection [~~(4)~~] (6), if the [~~building~~] premises to be entered under
89 Subsection [~~(2)~~] (2)(a) appears to be a private residence or the peace officer knows the