



2015 ASSEMBLY BILL 381

October 8, 2015 - Introduced by Representatives KNUDSON, CRAIG, JARCHOW, TAUCHEN, ALLEN, BRANDTJEN, HUTTON, KRUG, T. LARSON, MURPHY, QUINN, RIPP, RODRIGUEZ, THIESFELDT, GOYKE, KESSLER, MASON and WACHS, cosponsored by Senators STROEBEL and L. TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to create* 175.475 of the statutes; **relating to:** no-knock search
2 warrants.

Analysis by the Legislative Reference Bureau

This bill requires each law enforcement agency to develop a policy on when to request and when to execute a no-knock warrant and to submit the policy to the Department of Justice (DOJ).

Under current law, a law enforcement officer executing a search warrant must knock before entering a building unless, at the time the warrant is executed, the law enforcement officer has a reasonable suspicion that knocking and announcing will be dangerous or futile or will inhibit the effective investigation of the crime. This bill requires each law enforcement agency to submit to DOJ a written policy on the circumstances under which a law enforcement officer may request a search warrant allowing a no-knock entry and under which a law enforcement officer may execute a no-knock entry if the warrant does not specifically permit such an entry. This bill also requires each law enforcement agency to submit to DOJ a report detailing the following: 1) the number of search warrants executed without knocking, whether or not the search warrant specifically authorized such entry; 2) the number of search warrants issued that specifically authorized entry without knocking; 3) the number of search warrants issued that did not specifically authorize entry without knocking; 4) the number of search warrants that did not specifically authorize entry without knocking but that were executed without knocking, including an explanation for the entry; and 5) the total number of search warrants issued.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 175.475 of the statutes is created to read:

2 **175.475 Policies for law enforcement agencies on execution of search**
3 **warrant. (1)** In this section:

4 (a) “Knocking” includes announcing the presence of law enforcement.

5 (b) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

6 **(2)** (a) Each law enforcement agency shall have a written policy on all of the
7 following:

8 1. The circumstances under which a law enforcement officer may request a
9 search warrant that allows a law enforcement officer executing the warrant to enter
10 a building without knocking if the circumstances are met when the warrant is
11 executed.

12 2. The circumstances under which a law enforcement officer may execute a
13 warrant to enter a building without knocking if the warrant does not specifically
14 permit such an entry.

15 (b) Each law enforcement agency shall submit its policy under par. (a) to the
16 department of justice and shall notify the department of any changes or updates it
17 makes to its policy. The department shall maintain a current record of all of the
18 policies submitted by law enforcement agencies.

19 **(3)** Each law enforcement agency shall submit annually to the department of
20 justice a report containing all of the following information pertaining to the year
21 preceding the report:

