



State of Wisconsin
2021 - 2022 LEGISLATURE

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2021 SENATE BILL 472

August 5, 2021 - Introduced by Senators WIMBERGER, WANGGAARD, L. TAYLOR and BALLWEG, cosponsored by Representatives STEINEKE, STUBBS, ARMSTRONG, BALDEH, CABRAL-GUEVARA, CABRERA, DUCHOW, EDMING, GOYKE, GUNDRUM, KITCHENS, KRUG, KURTZ, LOUDENBECK, MACCO, MILROY, MURPHY, MURSAU, NOVAK, PETRYK, SCHRAA, SORTWELL, SPIROS, STEFFEN, ZIMMERMAN, WITKE, OHNSTAD and VRUWINK. Referred to Committee on Judiciary and Public Safety.

- 1 **AN ACT to create** 165.25 (20) of the statutes; **relating to:** reporting the use of
2 no-knock entry in the execution of a search warrant.

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer executing a search warrant must knock and announce before entering 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 a crime.

This bill requires the Department of Justice to collect information from law enforcement agencies and prepare an annual report to the legislature about the issuance of search warrants and the use of no-knock or unannounced entries upon execution of search warrants. The bill requires the report to specify, by jurisdiction, for the previous calendar year, all of the following:

1. The total number of search warrants that were issued and denied.
2. The number of those warrants that explicitly authorized or declined to authorize an unannounced entry.
3. The number of warrants that did not authorize an unannounced entry that were executed using an announced entry and the number that were executed with an unannounced entry.
4. Of the warrants that did not authorize an unannounced entry that were executed using an unannounced entry, the number that returned an inventory of evidence; the number that resulted in great bodily harm to or death of any person; and the age, race, and gender of any suspect present at the warrant execution.

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5. The number of warrants that authorized an unannounced entry that were executed using an announced entry and the number that were executed with an unannounced entry.

6. The type of suspected crime for which any unannounced entry warrant was authorized.

7. Of the warrants that authorized an unannounced entry that were executed using an unannounced entry, the number that returned an inventory of evidence; the number that resulted in great bodily harm to or death of any person; and the age, race, and gender of any primary suspect present at the warrant execution.

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.** 165.25 (20) of the statutes is created to read:

2 **165.25 (20)** REPORT ON EXECUTION OF SEARCH WARRANTS AT PHYSICAL PREMISES.

3 No later than July 1 of each year, submit a report to the legislature under s. 13.172
4 (2) on the issuance and execution of search warrants at physical premises by law
5 enforcement agencies in the prior calendar year. The department shall collect any
6 relevant information from law enforcement agencies in order to prepare the report
7 by providing all reporting officials with instructions that specify the nature of the
8 information required, the time it is to be forwarded, the method of classifying it, and
9 any other matters that facilitate collection and compilation of the relevant
10 information, and all persons in charge of law enforcement agencies and other
11 criminal and juvenile justice system agencies shall supply the department of justice
12 with the information requested. The report shall include, by jurisdiction, all of the
13 following information for the preceding calendar year:

14 (a) The total number of search warrants that were issued and denied.

15 (b) Of the search warrants that were issued, the number that requested explicit
16 authorization of an unannounced entry, and of those that requested explicit

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1 authorization of an unannounced entry, the number that explicitly authorized and
2 the number that declined to authorize an unannounced entry.

3 (c) Of the search warrants that declined to authorize an unannounced entry,
4 the number of search warrants that were executed with an announced entry and the
5 number that were executed with an unannounced entry.

6 (d) Of the search warrants that declined to authorize an unannounced entry
7 that were executed with an unannounced entry, all of the following information:

8 1. The number of warrants for which a return under s. 968.17 was accompanied
9 by a written inventory of property taken as provided under s. 968.17 (1).

10 2. The number of warrant executions that resulted in great bodily harm, as
11 defined in s. 939.22 (14), to any person, or the death of any person.

12 3. The age, race, and gender of any suspect who was present at the warrant's
13 execution.

14 (e) Of the search warrants that explicitly authorized an unannounced entry,
15 the number of search warrants that were executed with an announced entry and the
16 number that were executed with an unannounced entry.

17 (f) Of the search warrants that explicitly authorized an unannounced entry, the
18 type of suspected crime for which it was sought.

19 (g) Of the search warrants that explicitly authorized an unannounced entry
20 and were executed with an unannounced entry, all of the following information:

21 1. The number of warrants for which a return under s. 968.17 was accompanied
22 by a written inventory of property taken as provided under s. 968.17 (1).

23 2. The number of warrant executions that resulted in great bodily harm, as
24 defined in s. 939.22 (14), to any person, or the death of any person.

