

117TH CONGRESS
2D SESSION

H. R. 6877

To establish limitations on the use of no-knock warrants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2022

Ms. OMAR (for herself, Ms. MOORE of Wisconsin, Mr. GARCÍA of Illinois, Ms. PRESSLEY, Mr. THOMPSON of Mississippi, Ms. CLARKE of New York, Mr. CARSON, Mrs. WATSON COLEMAN, Ms. NEWMAN, Ms. OCASIO-CORTEZ, Mr. DANNY K. DAVIS of Illinois, Mr. BOWMAN, Ms. LEE of California, Mr. TORRES of New York, Ms. VELÁZQUEZ, Mr. PAYNE, Mr. SMITH of Washington, Mr. ESPAILLAT, Ms. MENG, Mrs. HAYES, Ms. WILLIAMS of Georgia, Mr. JOHNSON of Georgia, Mr. RUSH, Mr. GREEN of Texas, Mr. LEVIN of Michigan, Ms. SCHAKOWSKY, Mr. CARTER of Louisiana, Ms. JAYAPAL, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish limitations on the use of no-knock warrants,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amir Locke End Dead-
5 ly No-Knock Warrants Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **BYRNE GRANT PROGRAM.**—The term
4 “Byrne grant program” means any grant program
5 under subpart 1 of part E of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (34
7 U.S.C. 10151 et seq.), without regard to whether
8 the funds are characterized as being made available
9 under the Edward Byrne Memorial State and Local
10 Law Enforcement Assistance Programs, the Local
11 Government Law Enforcement Block Grants Pro-
12 gram, the Edward Byrne Memorial Justice Assist-
13 ance Grant Program, or otherwise.

14 (2) **COPS GRANT PROGRAM.**—The term “COPS
15 grant program” means the grant program author-
16 ized under section 1701 of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968.

18 (3) **COVERED LAW ENFORCEMENT TASK**
19 **FORCE.**—The term “covered law enforcement task
20 force” means a law enforcement task force that has
21 not less than 1 Federal law enforcement agency or
22 Federal law enforcement officer as a member.

23 (4) **COVERED FEDERAL WARRANT.**—The term
24 “covered Federal warrant” means a warrant author-
25 izing a search by a Federal law enforcement officer
26 or covered law enforcement task force.

1 (5) DAYLIGHT HOURS.—The term “daylight
2 hours” means any time beginning at 9:00 a.m. and
3 ending at 6:00 p.m. in the time zone in which a war-
4 rant is to be executed.

5 (6) NO-KNOCK ENTRY.—The term “no-knock
6 entry” means entry into a property by a law enforce-
7 ment officer without the law enforcement officer
8 knocking and announcing their presence, authority,
9 and intention to enter the property.

10 (7) NIGHTTIME.—The term “nighttime” means
11 any time other than daylight hours in the time zone
12 in which a warrant is to be executed.

13 **SEC. 3. FEDERAL SEARCH WARRANTS.**

14 (a) NO-KNOCK ENTRY REQUIREMENTS.—

15 (1) BAR IN DRUG CASES.—A covered Federal
16 warrant may not authorize a no-knock entry for the
17 investigation of any offense related to drugs.

18 (2) REQUIREMENTS FOR COURT AUTHORIZA-
19 TION.—A court—

20 (A) may only issue a covered Federal war-
21 rant authorizing a no-knock entry if the court
22 determines there is clear and convincing evi-
23 dence, supported by particularized facts, that
24 law enforcement officers entering the property
25 without announcing their presence and inten-

tion to enter is necessary because notice prior to entry would substantially endanger the life or safety of the law enforcement officer or other persons; and

(B) may not issue a covered Federal warrant authorizing a no-knock entry for the investigation of any offense related to drugs.

(3) AVOIDING DESTRUCTION OF PROPERTY AND INJURY OF PERSONS.—

(A) IN GENERAL.—In executing a covered Federal warrant, law enforcement officers shall seek to avoid the destruction of property and injury of persons occasioned by forcible entry and execution of a search.

(B) RESTITUTION.—Any person who is injured by, or the owner of property damaged by, law enforcement officers during the execution of a covered Federal warrant may bring an action against the United States in the appropriate Federal district court for appropriate relief, including restitution, unless the person is convicted of an offense related to the covered Federal warrant.

1 (4) CONFORMING AMENDMENT FOR DRUG IN-
2 VESTIGATIONS.—Section 509 of the Controlled Sub-
3 stances Act (21 U.S.C. 879) is amended—

4 (A) by striking “A search warrant” and in-
5 serting “(a) A search warrant”; and

6 (B) by adding at the end the following:

7 “(b) A Federal law enforcement officer (as defined
8 in section 2 of the Law Enforcement Congressional Badge
9 of Bravery Act of 2008 (34 U.S.C. 50301)) may not make
10 a no-knock entry (as defined in section 2 of the Amir
11 Locke End Deadly No-Knock Warrants Act).”.

12 (b) PLANNING AND EXECUTION OF ALL COVERED
13 FEDERAL WARRANTS.—

14 (1) EXECUTION DURING DAYLIGHT HOURS.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), a covered Federal warrant
17 shall only authorize execution of the covered
18 Federal warrant during daylight hours not later
19 than 7 days after such warrant is issued, and
20 such a warrant shall only be executed by a Fed-
21 eral law enforcement officer or covered law en-
22 forcement task force during such hours.

23 (B) COURT AUTHORIZATION FOR NIGHT-
24 TIME SERVICE.—A court may authorize a cov-
25 ered Federal warrant to be executed outside of

1 daylight hours if the court determines that the
2 application for such warrant contains particu-
3 larized facts indicating that nighttime execution
4 is necessary because execution of the warrant
5 during daylight hours would substantially en-
6 danger the life or safety of law enforcement of-
7 ficers or other persons.

8 (2) APPLICATION FOR A WARRANT.—

9 (A) APPROVAL.—An application for a cov-
10 ered Federal warrant may not be submitted for
11 consideration by a court unless the head of the
12 law enforcement agency approves such an appli-
13 cation. The authority for approval described in
14 this subparagraph may not be delegated.

15 (B) CONTENTS OF APPLICATION.—An ap-
16 plication for a covered Federal warrant shall in-
17 clude—

18 (i) a description of what investigative
19 activities have been undertaken to support
20 the request for such a warrant, or why no
21 such investigative activity is needed; and

22 (ii) in the case of an application for a
23 no-knock warrant, an explanation for why
24 the applicant is unable to detain the sus-
25 pect or search the premises without knock-

ing or announcing law enforcement presence or using other less invasive methods.

(3) POTENTIAL PRESENCE OF VULNERABLE INDIVIDUALS.—

(A) EVALUATION.—An application for a covered Federal warrant shall assess, and a court issuing a covered Federal warrant shall evaluate and include information with respect to the primary language of the individuals on the premises, whether there will be children, individuals with a disability, individuals who are elderly, or other vulnerable individuals present at the location where the covered Federal warrant is to be executed.

(B) REQUIREMENTS FOR ISSUANCE.—A covered Federal warrant may only authorize the search of a location where a child, individual with a disability, individual who is elderly, or other vulnerable individual will be present if the court determines, based on particularized facts, that there is a clear necessity for such search to avoid endangering the life or safety of law enforcement officers or other persons and that a safety plan is in place to ensure the safety of the vulnerable individuals.

1 (4) KNOCK AND ANNOUNCE REQUIREMENT.—

2 Except in any case in which a covered Federal war-
3 rant authorizes no-knock entry, during execution of
4 a covered Federal warrant—

5 (A) a law enforcement officer shall be eas-
6 ily recognizable and identifiable as a uniformed
7 law enforcement officer;

8 (B) a law enforcement officer shall knock
9 and audibly, or in a manner sufficient to pro-
10 vide notice to any person with a disability, and
11 with consideration to the native language of the
12 occupants, announce the officer's identity as a
13 law enforcement officer, authority pursuant to
14 the warrant, and purpose;

15 (C) an audible knock and announcement
16 shall be provided in a manner reasonably ex-
17 pected to be received and understood by occu-
18 pants of the premises to be searched based on
19 the size and nature of the location;

20 (D) a body worn camera or any other gov-
21 ernment issued recording device shall be record-
22 ing at least 5 minutes prior to the start of a
23 covered Federal warrant execution, during any
24 subsequent entry and the entirety of the search

1 of the premises, and 5 minutes following the
2 exit of the premises; and

3 (E) law enforcement officers shall delay
4 entry for at least 30 seconds, or a sufficient
5 amount of time after the announcement, which-
6 ever is greater, based on the size and nature of
7 the premises and occupants, to allow the occu-
8 pant a reasonable opportunity to respond.

9 (5) EXCEPTION TO DELAYED ENTRY REQUIRE-
10 MENT.—Notwithstanding paragraph (4)(E), law en-
11 forcement officers may forcibly enter into the prem-
12 ises in less than 30 seconds if—

13 (A) a covered Federal warrant authorizes a
14 no-knock entry; or

15 (B) a verifiable exigent circumstance ex-
16 ists, there is an imminent threat to the life of
17 law enforcement officers or others, and law en-
18 forcement officers provide information about
19 such exigency in the warrant execution report.

20 (6) VERIFICATION OF PLACE TO BE
21 SEARCHED.—Before executing a covered Federal
22 warrant, law enforcement officers shall verify that
23 the address or location about to be searched is the
24 correct address or location authorized to be searched
25 under the covered Federal warrant. Such verification

1 shall occur within the 24 hours prior to execution of
2 the covered Federal warrant.

3 (7) USE OF EXPLOSIVE DEVICES.—Law en-
4 forcement officers executing a covered Federal war-
5 rant shall not use or possess flash-bang stun gre-
6 nades, other explosive devices, chemical weapons, or
7 any military-grade firearm, unless expressly author-
8 ized under the covered Federal warrant based on
9 clearly articulated reasons, supported by particular-
10 ized facts, that the use of any such device is nec-
11 essary under the particularized circumstances to
12 protect the life or safety of law enforcement officers
13 or other persons.

14 (c) DATA COLLECTION.—

15 (1) IN GENERAL.—A Federal law enforcement
16 agency shall—

17 (A) collect data about—

18 (i) the items to be seized under a cov-
19 ered Federal warrant, as described in the
20 application;

21 (ii) the items seized in the execution
22 of that covered Federal warrant;

23 (iii) the total number of covered Fed-
24 eral warrant applications and the number
25 of no-knock warrant applications;

1 (iv) the total number of covered Fed-
2 eral warrant applications granted and the
3 number of no-knock warrant applications
4 granted;

5 (v) the number of forcible entries
6 made while executing warrants (both where
7 no-knock entry is explicitly authorized by
8 the warrant and when not explicitly au-
9 thorized), including a description of the
10 circumstances under which forcible entry
11 occurred and why warrant requirements
12 were modified; and

13 (vi) injuries that occur during the exe-
14 cution of warrants (sustained by both law
15 enforcement and others); and

16 (B) submit the data collected under para-
17 graph (1) to the Attorney General.

18 (2) ATTORNEY GENERAL REPORT.—Not later
19 than 2 years after the date of enactment of this Act,
20 and every 2 years thereafter, the Attorney General
21 shall make available to the public on the Department
22 of Justice website a review and analysis of the data
23 submitted to the Attorney General pursuant to para-
24 graph (1)(B).

1 (d) EXCLUSION OF EVIDENCE.—Evidence obtained
2 in violation of this section may not be admissible in any
3 trial, hearing, or proceeding in or before any court, depart-
4 ment, officer, agency, regulatory body, or other authority
5 of the United States, a State, or a political subdivision
6 thereof.

7 (e) OFFICER ACCOUNTABILITY.—Any law enforce-
8 ment officer who executes a covered Federal warrant in
9 violation of the requirements of this section shall be sub-
10 ject to such consequence as the Attorney General deter-
11 mines appropriate, including rendering all evidence col-
12 lected pursuant to the violation inadmissible, suspension
13 of duty, civil penalties, or termination.

14 **SEC. 4. LIMITATION ON STATE AND LOCAL LAW ENFORCE-**
15 **MENT ELIGIBILITY FOR FUNDS.**

16 Beginning in the first fiscal year that begins after
17 the date that is 1 year after the date of enactment of this
18 Act, a law enforcement agency of a State or unit of local
19 government may not receive funds made available to the
20 State or local government under the Byrne grant program
21 or the COPS grant program for a fiscal year if, on the
22 day before the first day of the fiscal year, the State or
23 local law enforcement agency of the State or unit of local

- 1 government does not have in effect policies that are sub-
- 2 stantially similar to the policies described in section 3.

