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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3398

02/14/2022 Authored by Hollins, Agbaje, Frazier, Pinto, Moller and others
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
02/24/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to public safety; modifying the no-knock search warrant process; amending
1.3 Minnesota Statutes 2021 Supplement, section 626.14; proposing coding for new
1.4 law in Minnesota Statutes, chapter 626.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2021 Supplement, section 626.14, is amended to read:

1.7 626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.

1.8 Subdivision 1. Time. A search warrant may be served only between the hours of 7:00
1.9 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits
1.10 that a nighttime search outside those hours is necessary to prevent the loss, destruction, or
1.11 removal of the objects of the search or to protect the searchers or the public. The search
1.12 warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m.
1.13 unless a nighttime search outside those hours is authorized.

1.14 Subd. 2. Definition. For the purposes of this section, "no-knock search warrant" means
1.15 a search warrant authorizing peace officers to enter certain premises without first loudly
1.16 knocking and loudly and understandably announcing the officer's presence or purpose and
1.17 waiting no less than 30 seconds thereafter prior to entering the premises to allow compliance
1.18 by the subject. No-knock search warrants may also be referred to as dynamic entry warrants.

1.19 Subd. 3. Requirements for a no-knock search warrant. (a) No peace officer shall
1.20 seek No later than October 1, 2022, the commissioner of public safety shall develop and
1.21 publish a standard warrant application form that complies with this section. After October
1.22 1, 2022, each no-knock search warrant application must be submitted on the standard form
1.23 published by the commissioner of public safety.

2.1 (b) A court may only issue a no-knock search warrant unless the if there is clear and
2.2 convincing evidence of a significant, articulable, and imminent risk of death or great bodily
2.3 harm to an individual confined without the individual's consent at the location designated
2.4 in the warrant.

2.5 (c) A no-knock search warrant application ~~includes~~ must include at a minimum:

2.6 (1) all documentation and materials the issuing court requires;

2.7 (2) the information specified in paragraph ~~(b)~~ (d); and

2.8 (3) a sworn affidavit as provided in section 626.08.

2.9 ~~(b)~~ (d) Each warrant application seeking a no-knock entry must include, in detailed
2.10 terms, the following:

2.11 (1) why peace officers are seeking the use of a no-knock entry and are unable to detain
2.12 the suspect or search the residence through the use of a knock and announce warrant;

2.13 (2) what investigative activities have taken place to support issuance of the no-knock
2.14 search warrant, or why no investigative activity is needed or able to be performed; and

2.15 (3) ~~whether the warrant can be effectively executed~~ what conditions prevent execution
2.16 of the warrant during daylight hours according to subdivision 1.

2.17 ~~(e)~~ (e) The chief law enforcement officer or designee and another superior officer must
2.18 review and approve each warrant application. The agency must document the approval of
2.19 both reviewing parties.

2.20 ~~(d) A no-knock search warrant shall not be issued when the only crime alleged is~~
2.21 ~~possession of a controlled substance unless there is probable cause to believe that the~~
2.22 ~~controlled substance is for other than personal use.~~

2.23 (f) A no-knock search warrant shall not be issued when the peace officer applying for
2.24 the warrant has prior knowledge of the subject's or household member's disability within
2.25 the meaning of United States Code, title 42, section 12102.

2.26 (g) A no-knock search warrant application, including any attachments to the application,
2.27 that contains information that the applicant knows is false is void and any evidence collected
2.28 under a warrant based on that application is inadmissible for any purpose in any action,
2.29 proceeding, or hearing.

2.30 (h) Notwithstanding any law to the contrary, the Peace Officer Standards and Training
2.31 Board shall suspend the license of an officer who knowingly provides false information in
2.32 a warrant application or attachment for no less than 60 days. The board must revoke the

3.1 license of a peace officer who knowingly provides false information in a warrant application
 3.2 a second or subsequent time.

3.3 Subd. 3a. **Training requirements regarding no-knock search warrants.** (a) Beginning
 3.4 in 2023, the attorney general, in coordination with the commissioner of public safety, must
 3.5 deliver a training course quarterly each year that is no less than four hours in duration that
 3.6 instructs peace officers on search, seizure, and obtaining and properly executing warrants,
 3.7 including no-knock warrants. The training course must emphasize warrant execution practices
 3.8 that enhance subject and officer safety. The Peace Officer Standards and Training Board
 3.9 shall assist the attorney general in developing the training course.

3.10 (b) After September 1, 2023, no officer shall participate in a no-knock warrant execution
 3.11 unless that officer has completed the training described in paragraph (a) within the past
 3.12 year.

3.13 Subd. 4. **Reporting requirements regarding no-knock search warrants.** (a) Law
 3.14 enforcement agencies shall report to the commissioner of public safety regarding the use
 3.15 of no-knock search warrants in a format prescribed by the commissioner. These reports are
 3.16 classified as public data as defined in section 13.02. An agency must report the use of a
 3.17 no-knock search warrant to the commissioner no later than three months after the date the
 3.18 warrant was issued. The report shall include the following information:

3.19 (1) the number of no-knock search warrants requested;

3.20 (2) the conditions or reasons each no-knock search warrant was requested;

3.21 (3) the number of no-knock search warrants the court issued;

3.22 ~~(3)~~ (4) the number of no-knock search warrants executed;

3.23 ~~(4)~~ (5) the number of injuries and fatalities suffered, if any, by peace officers and by
 3.24 civilians in the execution of no-knock search warrants; and

3.25 ~~(5)~~ (6) any other information the commissioner requests.

3.26 (b) The commissioner of public safety shall report the information provided under
 3.27 paragraph (a) annually to the chairs and ranking minority members of the legislative
 3.28 committees with jurisdiction over public safety.

3.29 Sec. 2. **[626.8479] TRAINING IN SEARCH AND SEIZURE AND WARRANT**
 3.30 **PROCESSING AND EXECUTION; MODEL POLICY.**

3.31 Subdivision 1. **Model policy; mandatory adoption.** (a) No later than November 15,
 3.32 2022, the board shall develop a model policy and learning objectives on search, seizure,

4.1 and obtaining and properly executing warrants to include arrest warrants and search warrants,
4.2 including the limited circumstances that justify a no-knock search warrant.

4.3 (b) By January 1, 2023, each chief of police and sheriff shall establish, adopt, and
4.4 implement a written policy that is identical or substantially similar to the model policy
4.5 developed under paragraph (a).

4.6 Subd. 2. **In-service training.** Beginning January 1, 2023, the chief law enforcement
4.7 officer of every state and local law enforcement agency shall provide in-service training on
4.8 the policy adopted pursuant to subdivision 1 to every peace officer and part-time peace
4.9 officer employed by the agency. The training must comply with the learning objectives
4.10 developed and approved by the board and must meet board requirements for board-approved
4.11 continuing education credit. The training must consist of at least four continuing education
4.12 credits of the credits required under section 626.8469 within an officer's three-year licensing
4.13 cycle. Each peace officer with a license renewal date after June 30, 2023, is not required to
4.14 complete this training until the officer's next full three-year licensing cycle.