

117TH CONGRESS  
2D SESSION

# H. R. 6877

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

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## 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

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## 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-

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

5                   (B) may not issue a covered Federal war-  
6           rant authorizing a no-knock entry for the inves-  
7           tigation of any offense related to drugs.

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

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

15                   (B) RESTITUTION.—Any person who is in-  
16           jured by, or the owner of property damaged by,  
17           law enforcement officers during the execution of  
18           a covered Federal warrant may bring an action  
19           against the United States in the appropriate  
20           Federal district court for appropriate relief, in-  
21           cluding restitution, unless the person is con-  
22           victed of an offense related to the covered Fed-  
23           eral 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-

1           ing or announcing law enforcement pres-  
2           ence or using other less invasive methods.

3           (3) POTENTIAL PRESENCE OF VULNERABLE IN-  
4           DIVIDUALS.—

5           (A) EVALUATION.—An application for a  
6           covered Federal warrant shall assess, and a  
7           court issuing a covered Federal warrant shall  
8           evaluate and include information with respect to  
9           the primary language of the individuals on the  
10          premises, whether there will be children, indi-  
11          viduals with a disability, individuals who are el-  
12          derly, or other vulnerable individuals present at  
13          the location where the covered Federal warrant  
14          is to be executed.

15          (B) REQUIREMENTS FOR ISSUANCE.—A  
16          covered Federal warrant may only authorize the  
17          search of a location where a child, individual  
18          with a disability, individual who is elderly, or  
19          other vulnerable individual will be present if the  
20          court determines, based on particularized facts,  
21          that there is a clear necessity for such search  
22          to avoid endangering the life or safety of law  
23          enforcement officers or other persons and that  
24          a safety plan is in place to ensure the safety of  
25          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.

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