

Senate Bill 259

By: Senators Fort of the 39th and Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated,
2 relating to searches with warrants, so as to change provisions relating to issuance of search
3 warrants by judicial officers; to provide that no-knock warrants shall not be issued in this
4 state except under limited circumstances; to provide for related matters; to provide for an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to
9 searches with warrants, is amended by revising Code Section 17-5-22, relating to issuance
10 of search warrants by judicial officers generally and maintenance of docket record of
11 warrants issued, as follows:

12 "17-5-22.

13 (a) As used in this Code section, the term 'no-knock' means a provision in a warrant that
14 authorizes an officer executing a warrant to enter without giving audible notice of the
15 officer's presence, authority, and purpose.

16 (b) All warrants shall state the time and date of issuance and are the warrants of the
17 judicial officer issuing the same and not the warrants of the court in which ~~he~~ the judicial
18 officer is then sitting. Such warrants need not bear the seal of the court or clerk thereof.
19 No search warrant shall be issued which contains a no-knock provision unless the affidavit
20 or testimony supporting the warrant establishes by clear and convincing evidence that if
21 an officer were to knock and announce identity and purpose before entry, such act of
22 knocking and announcing would pose a significant and imminent danger to human life.

23 The warrant, the complaint on which the warrant is issued, the affidavit or affidavits
24 supporting the warrant, and the returns shall be filed with the clerk of the court of the
25 judicial officer issuing the same, or with the court if there is no clerk, at the time the
26 warrant has been executed or has been returned 'not executed'; provided, however, that the

1 judicial officer shall keep a docket record of all warrants issued by ~~him~~ the judicial officer
2 and upon issuing any warrant ~~he~~ the judicial officer shall immediately record the same,
3 within a reasonable time, on the docket."

4 **SECTION 2.**

5 This Act shall become effective upon its approval by the Governor or upon its becoming law
6 without such approval.

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.