

House Bill 710

By: Representatives Thomas of the 55th, Tumlin of the 38th, Hatfield of the 177th, Mangham of the 94th, Marin of the 96th, and others

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"17-5-22.

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

(b) All warrants shall state the time and date of issuance and are the warrants of the judicial officer issuing the same and not the warrants of the court in which he the judicial officer is then sitting. Such warrants need not bear the seal of the court or clerk thereof. No search warrant shall be issued which contains a no-knock provision unless the affidavit or testimony supporting the warrant establishes by probable cause that if an officer were to knock and announce identity and purpose before entry, such act of knocking and announcing would likely pose a significant and imminent danger to human life or imminent danger of evidence being destroyed. The warrant, the complaint on which the warrant is issued, the affidavit or affidavits supporting the warrant, and the returns shall be filed with the clerk of the court of the judicial officer issuing the same, or with the court if there is no clerk, at the time the warrant has been executed or has been returned 'not executed';

1 provided, however, that the judicial officer shall keep a docket record of all warrants issued
2 by ~~him~~ the judicial officer and upon issuing any warrant ~~he~~ the judicial officer shall
3 immediately record the same, 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.