

**NOT GERMANE**

Senator Fort of the 39th offered the following amendment:

1 *Amend HB 333 by revising lines 1 through 3 of page 1 to read as follows:*

2 To amend Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to  
3 searches and seizures, so as to change provisions relating to issuance of search warrants by  
4 judicial officers; to provide that no-knock warrants shall not be issued in this state except  
5 under limited circumstances; to change certain provisions relating to sale or destruction of  
6 weapons used in the commission of a crime or delinquent act involving possession; to  
7 provide that weapons used in the commission of a crime or a delinquent

8 *By redesignating Section 1 as Section 1A and inserting between the enacting clause and*  
9 *Section 1A the following:*

10 **SECTION 1.**

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

15 "17-5-22.

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

19 (b) All warrants shall state the time and date of issuance and are the warrants of the  
20 judicial officer issuing the same and not the warrants of the court in which ~~he~~ the judicial  
21 officer is then sitting. Such warrants need not bear the seal of the court or clerk thereof.  
22 No search warrant shall be issued which contains a no-knock provision unless the affidavit  
23 or testimony supporting the warrant establishes by probable cause that if an officer were  
24 to knock and announce identity and purpose before entry, such act of knocking and  
25 announcing would likely pose a significant and imminent danger to human life or imminent  
26 danger of evidence being destroyed. The warrant, the complaint on which the warrant is  
27 issued, the affidavit or affidavits supporting the warrant, and the returns shall be filed with  
28 the clerk of the court of the judicial officer issuing the same, or with the court if there is no  
29 clerk, at the time the warrant has been executed or has been returned 'not executed';  
30 provided, however, that the judicial officer shall keep a docket record of all warrants issued  
31 by ~~him~~ the judicial officer and upon issuing any warrant ~~he~~ the judicial officer shall  
32 immediately record the same, within a reasonable time, on the docket."

1 *By revising lines 10 through 12 of page 1 as follows:*

2 Said chapter is further amended by revising Code Section 17-5-52 of the Official Code of  
3 Georgia Annotated, relating to sale or destruction of weapons used in the commission of a  
4 crime or delinquent act involving possession, as follows: