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The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

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SB 34 Reengrossed

DIGEST  
2021 Regular Session

Fields

Present law requires the Council on Peace Officer Standards and Training (council) to develop and implement curriculum for de-escalation, bias policing recognition, sudden in-custody death, and crisis intervention training, which shall include training for law enforcement interaction with persons with mental illness and persons with developmental disabilities, for peace officers that consists of classroom or internet instruction, or both, no later than January 1, 2018.

Proposed law retains present law and further requires the council to develop and implement curriculum to provide instruction for law enforcement personnel on the duty to intervene which shall include training that consists of classroom or internet instruction, or both, no later than January 1, 2022.

Proposed law requires any law enforcement agency that utilizes body worn cameras to have a policy regarding the activation and deactivation of such cameras by the officer no later than January 1, 2022.

Proposed law requires any law enforcement motor vehicle that is equipped with a dash camera that has the technology to automatically record upon the activation of the motor vehicle's police emergency lights to utilize that technology no later than January 1, 2022.

Proposed law prohibits the use of choke holds and carotid holds, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized.

Proposed law provides that no law enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant, except in cases where both of the following apply:

- (1) The affidavit supporting the request for the warrant establishes probable cause that exigent circumstances exist requiring the warrant to be executed in a no-knock manner. Exigent circumstances include circumstances where the surprise of a no-knock entry is necessary to protect life and limb of the law enforcement officers and the occupants.
- (2) The copy of the warrant being executed that is in the possession of law enforcement officers to be delivered includes the judge's signature.

Proposed law provides that a search warrant authorized under proposed law shall require that a law enforcement officer be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant.

Proposed law provides that after entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched.

Proposed law provides that if the place to be searched is unoccupied, the executing law enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched.

Proposed law requires that search warrants authorized under proposed law be executed only from sunrise to sunset except in either of the following instances:

- (1) A judge authorizes the execution of such search warrant at another time for good cause shown.
- (2) The search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.

Proposed law prohibits any evidence obtained from a search warrant in violation of proposed law from being admitted into evidence for prosecution.

Proposed law defines "no-knock warrant" as a warrant issued by a judge that allows law enforcement to enter a property without immediate prior notification of the residents, such as by knocking or ringing a doorbell.

Proposed law provides that only a district court judge may issue a no-knock warrant under proposed law.

Effective August 1, 2021.

(Amends R.S. 40:2404.2(C); adds R.S. 40:2551-2553, and Code of Criminal Procedure Article 162.3)

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Changes the term from "in the daytime" to "from sunrise to sunset" when search warrants may be executed under proposed law.
2. Provides that only a district court judge may issue no-knock warrants under proposed law.