

Senate Bill 175

By: Senators Halpern of the 39th, Butler of the 55th, Mallow of the 2nd, Beach of the 21st, Jackson of the 41st and others

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 provide for additional requirements for the  
3 issuance and execution of search warrants and no-knock warrants; to provide for limitations  
4 on certain arrest and asset seizure procedures; to repeal conflicting laws; and for other  
5 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 the  
10 issuance of search warrants and maintenance of docket record of warrants issued, as follows:  
11 "17-5-22.

12 (a) All warrants shall state the:

13 (1) Time ~~time~~ and date of issuance;

14 (2) Name of the affiant;

15 (3) Identity and description of the person or persons for whom the search warrant is  
16 being issued;

17 (4) Location and description of the place to be searched;

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- 18 (5) Objects or persons to be seized if found there;  
19 (6) Estimated ages and genders of any additional occupants as well as any known  
20 individuals with cognitive or physical disabilities and pets at the property to be searched;  
21 and  
22 (7) Intended course of action if there is no response from an occupant within 30 seconds.
- 23 (b) All warrants and are the warrants of the judicial officer issuing the same and not the  
24 warrants of the court in which he or she is then sitting. Such warrants need not bear the  
25 seal of the court or clerk thereof. The warrant, the complaint on which the warrant is  
26 issued, the affidavit or affidavits supporting the warrant, and the returns shall be filed with  
27 the clerk of the court of the judicial officer issuing the same, or with the court if there is no  
28 clerk, at the time the warrant has been executed or has been returned 'not executed';  
29 provided, however, that the judicial officer shall keep a docket record of all warrants issued  
30 by him or her, and upon issuing any warrant ~~he~~ the judicial officer shall immediately record  
31 the same, within a reasonable time, on the docket.
- 32 (c) For all no-knock warrants as provided for in subsection (c) of Code Section 17-5-25.1,  
33 the application shall include:
- 34 (1) An explanation of how the circumstance rises to the no-knock criteria of exigent  
35 circumstances;  
36 (2) What investigative activities have been undertaken and what information has been  
37 gathered in the course of such activities to support the request for a no-knock search  
38 warrant, or why no such investigative activity is needed;  
39 (3) An explanation of why the affiant is unable to detain the suspect or search the  
40 premises without first knocking or announcing their presence and using other less  
41 invasive methods; and  
42 (4) Whether the no-knock search warrant can effectively be executed during daylight  
43 hours and, if not, what facts or circumstances preclude effective execution during  
44 daylight hours."

45

**SECTION 2.**

46 Said article is further amended by revising Code Section 17-5-25, relating to execution of  
47 search warrants generally, as follows:

48 "17-5-25.

49 The search warrant shall be executed within ~~ten~~ seven days from the time of issuance. An  
50 officer shall provide evidence and surveillance gathered 24 hours or less before executing  
51 to verify the person is present at the place to be searched. If the warrant is executed, the  
52 duplicate copy shall be left with any person from whom any instruments, articles, or things  
53 are seized; or, if no person is available, the copy shall be left in a conspicuous place on the  
54 premises from which the instruments, articles, or things were seized. Any search warrant  
55 not executed within ~~ten~~ seven days from the time of issuance shall be void and shall be  
56 returned to the court of the judicial officer issuing the same as 'not executed.'"

57

**SECTION 3.**

58 Said article is further amended by adding a new Code section to read as follows:

59 "17-5-25.1.

60 (a) An application requesting a no-knock warrant shall only be permitted by the highest  
61 level supervising officer in the agency and shall:

62 (1) Only be approved by a superior court judge;

63 (2) At the time of execution, be accompanied by a supervising law enforcement officer;

64 and

65 (3) At the time of execution, recorded with body cameras worn by the arresting officers.

66 (b) In the execution of a no-knock warrant, peace officers shall be clearly recognizable and  
67 identifiable as law enforcement officers in uniform and shall be accompanied by a  
68 supervising law enforcement officer. Each officer shall wear a visible badge clearly  
69 displaying 'POLICE,' 'SHERIFF,' or other similar identification markings in a contrasting  
70 color, and clearly displaying his or her name and identification number.

71 (c) Any evidence obtained from a no-knock warrant executed in violation of this Code  
72 section shall not be admitted into evidence in any prosecution.  
73 (d) Any person who impersonates an officer executing a no-knock warrant shall be guilty  
74 of a felony and shall be punished by imprisonment for not less than one nor more than ten  
75 years."

76

**SECTION 4.**

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