

HOUSE No. 03141

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Binienda

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act for the protection and safety of police officers

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>

HOUSE No. 03141

By Mr. Binienda of Worcester, a petition (accompanied by bill, House, No. 3141) of Fresolo and Binienda relative to the safety and protection of police officers in the execution of police warrants
Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1282 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act for the protection and safety of police officers

□.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 276 of the General Laws, as appearing in the 2008 Official Edition, is hereby

2 amended by inserting after section 2C the following section:

3 Section 2D. (a) A police officer executing a search warrant shall knock and announce his

4 presence and purpose before forcibly entering a residence.

5 (b) An officer may dispense with the requirement of subsection (a) if the officer has a

6 reasonable suspicion that an announced entry will jeopardize the safety of officers or others,

7 permit the destruction of evidence, or allow an occupant of the residence to escape.

8 (c) A search warrant shall authorize an officer to dispense with the requirement of subsection
9 (a) if an affidavit discloses a reasonable suspicion that an announced entry will jeopardize the
10 safety of officers or others, permit the destruction of evidence, or allow occupants of the
11 residence to escape. When executing such a search warrant, an officer shall not be required to
12 reappraise his suspicions at the time of the search.

13 (d) Evidence seized under subsections (b) and (c) shall be suppressed if subsequent judicial
14 review determines that the officers lacked the requisite reasonable suspicion.