

SENATE BILL 1239

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 6, relative to the execution of warrants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-6-105, is amended by redesignating the current language as subsection (a) and adding the following as a new subsection:

(b) No warrant shall authorize the use of forceful entry, dynamic entry, or other execution of the search than a peaceful knock and greeting, unless the probable cause and affidavit presented pursuant to § 40-6-103 and the examination pursuant to § 40-6-104 clearly establish that, for the safety of officers, residents, or other nearby persons or property, a sudden and forceful entry is clearly necessary.

SECTION 2. Tennessee Code Annotated, Section 40-6-208, is amended by adding a new subsection as follows:

(e) No warrant shall authorize the use of forceful entry, dynamic entry, or other execution of the arrest than a peaceful knock and greeting, unless the probable cause and examination of affiant pursuant to § 40-6-203 clearly establish that, for the safety of officers, residents, or other nearby persons or property, a sudden and forceful entry is clearly necessary.

SECTION 3. This act shall take effect July 1, 2013, the public welfare requiring it.