

HOUSE No. 1322

By Mr. Binienda of Worcester, petition of John J. Binienda and others relative to the safety and protection of police officers in the execution of police warrants. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

John J. Binienda
John P. Fresolo

Joyce A. Spiliotis

In the Year Two Thousand and Seven.

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 is hereby amended by inserting
2 after section 2C the following section:—

3 Section 2D. (a) A police officer executing a search warrant shall
4 knock and announce his presence and purpose before forcibly
5 entering a residence.

6 (b) An officer may dispense with the requirement of subsection
7 (a) if the officer has a reasonable suspicion that an announced entry
8 will jeopardize the safety of officers or others, permit the destruction
9 of evidence, or allow an occupant of the residence to escape.

10 (c) A search warrant shall authorize an officer to dispense with
11 the requirement of subsection (a) if an affidavit discloses a reason-
12 able suspicion that an announced entry will jeopardize the safety of
13 officers or others, permit the destruction of evidence, or allow occu-
14 pants of the residence to escape. When executing such a search war-
15 rant, an officer shall not be required to reappraise his suspicions at
16 the time of the search.

17 (d) Evidence seized under subsections (b) and (c) shall be sup-
18 pressed if subsequent judicial review determines that the officers
19 lacked the requisite reasonable suspicion.