

By: Wilkerson of the Senate
and
Askins of the House

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 1228, which relates to search warrants; authorizing certain no-knock searches under certain circumstances; providing exigent circumstance for certain search; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1228, is amended to read as follows:

Section 1228. A peace officer may break open an outer or inner door or window of a house, or any part of the house, or anything therein, to execute the warrant when:

1. The officer has been refused admittance after having first given notice of his authority and purpose; or

2. Pursuant to an instruction inserted in the search warrant by the magistrate that no warning or other notice of entry is necessary because there is ~~probable~~ reasonable cause to believe that ~~such warning or other notice would pose a significant danger to human life~~ exigent circumstances exist. Exigent circumstances include but are not limited to the following:

- a. such warning or other notice would pose a significant danger to human life,
- b. such warning or other notice would allow the possible destruction of evidence,
- c. such warning or other notice would give rise to the possibility of resistance or escape,

d. such warning or other notice would otherwise inhibit the effective investigation of the crime, or

e. such warning or other notice would be futile or a useless gesture.

SECTION 2. This act shall become effective November 1, 1999.

Passed the Senate the 9th day of March, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____ ,
1999.

Speaker of the House of
Representatives