



Rep. Kam Buckner

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10400HB1611ham001

LRB104 07594 RLC 22828 a

1 AMENDMENT TO HOUSE BILL 1611

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1611 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Anjanette  
5 Young Act.

6 Section 5. The Code of Criminal Procedure of 1963 is  
7 amended by changing Section 108-8 and by adding Section 108-15  
8 as follows:

9 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

10 Sec. 108-8. Use of force in execution of search warrant.

11 (a) All necessary and reasonable force may be used to  
12 effect an entry into any building or property or part thereof  
13 to execute a search warrant.

14 (b) No court shall issue a search warrant that permits  
15 police officers to enter a residence without first knocking

1 and announcing their office. However, police officers may  
2 enter a residence without first knocking and announcing their  
3 office in exigent circumstances when entry without notice is  
4 necessary to prevent physical injury to police officers or  
5 others. ~~The court issuing a warrant may authorize the officer~~  
6 ~~executing the warrant to make entry without first knocking and~~  
7 ~~announcing his or her office if it finds, based upon a showing~~  
8 ~~of specific facts, the existence of the following exigent~~  
9 ~~circumstances:~~

10 ~~(1) That the officer reasonably believes that if~~  
11 ~~notice were given a weapon would be used:~~

12 ~~(i) against the officer executing the search~~  
13 ~~warrant; or~~

14 ~~(ii) against another person.~~

15 ~~(2) That if notice were given there is an imminent~~  
16 ~~"danger" that evidence will be destroyed.~~

17 (c) Prior to the issuing of a residential search warrant  
18 ~~under subsection (b), the officer must attest that:~~

19 (1) that prior to entering the location described in  
20 the search warrant, a supervising officer will ensure that  
21 each participating member is assigned a body worn camera  
22 and is following policies and procedures in accordance  
23 with Section 10-20 of the Law Enforcement Officer-Worn  
24 Body Camera Act; provided that the law enforcement agency  
25 has implemented body worn camera in accordance with  
26 Section 10-15 of the Law Enforcement Officer-Worn Body

1 Camera Act. A ~~If a~~ law enforcement agency or each  
2 participating member of a multi-jurisdictional team shall  
3 implement ~~has not implemented~~ a body camera in accordance  
4 with Section 10-15 of the Law Enforcement Officer-Worn  
5 Body Camera Act, ~~the officer must attest that the~~  
6 ~~interaction authorized by the warrant is otherwise~~  
7 ~~recorded;~~

8 (2) that the ~~The~~ supervising officer verified the  
9 subject address listed on the warrant for accuracy and  
10 planned for children or other vulnerable people on-site;  
11 ~~and~~

12 (3) whether the warrant can be effectively executed  
13 during daylight hours. In this paragraph (3), "daylight  
14 hours" means the hours between 9 a.m. and 7 p.m.;

15 (4) that the request for the warrant is not based upon  
16 information from informants who have provided false  
17 information or information that has led to negative raids  
18 in the past; and

19 (5) that ~~(3)~~ if an officer becomes aware the search  
20 warrant was executed at an address, unit, or apartment  
21 different from the location listed on the search warrant,  
22 that member will immediately notify a supervisor who will  
23 ensure an internal investigation or formal inquiry ensues.

24 (d) A search warrant shall not be issued when the only  
25 offense alleged is possession of a controlled substance;  
26 search warrants for narcotics shall be limited to the

1 manufacture, sale, or distribution of narcotics.

2 (e) When an officer, having a warrant for the search of a  
3 dwelling, executes the search warrant, the officer shall:

4 (1) execute the warrant between the hours of 9 a.m.  
5 and 7 p.m. unless the officer is able to demonstrate  
6 verifiable exigent circumstances and the judge, for good  
7 cause, expressly authorizes execution at another time;

8 (2) be readily identifiable as a law enforcement  
9 officer in uniform or wearing a visible law enforcement  
10 badge that clearly identifies the person as a law  
11 enforcement officer;

12 (3) be a member of a special weapons and tactics team  
13 or special response team, or another established team or  
14 unit trained and tasked with resolving high-risk  
15 situations and incidents, who has received appropriate  
16 training in the execution of arrest and search warrants  
17 authorizing entry without notice. In counties having a  
18 population of less than 90,000, when, after reasonable  
19 inquiry by the law enforcement officer seeking the  
20 warrant, members of the special weapons and tactics team  
21 or special response team are not available to timely  
22 execute the warrant and the court finds by clear and  
23 convincing evidence that the risks to the health and  
24 safety of the persons executing the warrant, the occupants  
25 of the premises, or the public are greater if the warrant  
26 is not timely executed, the court may approve the

1 execution of the warrant without members of a special  
2 weapons and tactics team;

3 (4) wear and activate a body-worn camera as required  
4 by this Section when entering a premises for the purpose  
5 of enforcing the law;

6 (5) have a certified or licensed paramedic or  
7 emergency medical technician in proximity and available to  
8 provide medical assistance, if needed;

9 (6) be prohibited from pointing firearms at  
10 individuals under 18 years old, unless the individual  
11 presents an imminent risk of death or great bodily harm to  
12 the officer or another person;

13 (7) during the execution of a residential warrant, be  
14 prohibited from handcuffing or restraining any child,  
15 unless the child presents an immediate threat of physical  
16 harm to oneself or another person;

17 (8) during the execution of a residential warrant, be  
18 prohibited from handcuffing or restraining parents,  
19 relatives, or caregivers of children while in the presence  
20 of children, unless the person presents an immediate  
21 threat of physical harm to oneself or another person. As  
22 soon as it can be determined that an individual is not  
23 subject to the scope of a warrant and that no further  
24 reasonable suspicion or safety concerns exist to justify  
25 further detention, the person shall be promptly released;

26 and

1           (9) knock and announce the officer's presence at a  
2           volume loud enough for the officer to reasonably believe  
3           the occupants inside can hear, allow a minimum of 30  
4           seconds of time before entering given the size of the  
5           dwelling for someone to get to the door, and delay entry if  
6           the officer has reason to believe that someone is  
7           approaching the dwelling's entrance with the intent of  
8           voluntarily allowing the officer to enter the dwelling;  
9           except that this paragraph (9) does not apply if the  
10           circumstances known to the officer at the time provide an  
11           objectively reasonable basis to believe that immediate  
12           entry is necessary because of an emergency threatening the  
13           life of or grave injury to a person, provided that the  
14           imminent danger is not created by law enforcement officers  
15           executing the search.

16           (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

17           (725 ILCS 5/108-15 new)

18           Sec. 108-15. Peace officers to prepare damage report;  
19           negative raids. In this Section, "negative raid" means an  
20           execution of a search warrant that did not result in obtaining  
21           evidence or contraband sought in the warrant or the arrest of  
22           the target of the warrant.

23           After executing a search warrant, the peace officer or  
24           officers executing the warrant shall prepare a damage report  
25           and make immediate arrangements to address safety concerns

1 caused by the execution of the warrant, such as the breaking  
2 down of a door, which leaves a family vulnerable. The data on  
3 all search warrants, including the causes of each negative  
4 raid, shall be publicly reported. Public reporting shall also  
5 include, but shall not be limited to, anonymized location  
6 information of the site of the warrant; the type of entry; the  
7 length of time waiting after knocking and announcing before  
8 entry; what force was used (including gun pointing);  
9 misconduct allegations; the race and gender demographics of  
10 each person inside the residence during execution of the  
11 warrant; the presence of children and other vulnerable people;  
12 injuries; property damage; the recovery of contraband; and  
13 arrests.

14 Residential search warrants shall be prohibited unless  
15 they involve violent felonies as defined by 18 U.S.C. 16; the  
16 illegal manufacture, distribution, or sale of narcotics,  
17 firearms, or munitions; or property crimes over \$1,000 or when  
18 necessary to protect a person from a threat of physical harm.

19 Law enforcement agencies shall provide copies of body-worn  
20 camera footage of the raid to the owners of the residence and  
21 the people present within 10 days of their request for such  
22 footage."