

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Mar 25, 2025
S.B. 696
PRINCIPAL CLERK

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SENATE BILL DRS45346-ND-72

Short Title: Limit No-Knock Warrant/Quick-Knock Entry. (Public)

Sponsors: Senators Smith and Theodros (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING A JUDICIAL FINDING OF PROBABLE CAUSE TO EXECUTE A
3 NO-KNOCK SEARCH WARRANT AND CLARIFYING THAT AN OFFICER SERVING
4 A SEARCH WARRANT MUST WAIT LONG ENOUGH AFTER NOTICE FOR EITHER
5 AN OCCUPANT TO RESPOND OR THE OFFICER TO DETERMINE THAT FORCED
6 ENTRY IS NECESSARY.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 11 of Chapter 15A of the General Statutes reads as rewritten:

9 "Article 11.

10 "Search Warrants.

11 ...

12 "§ 15A-242. Items subject to seizure under a search warrant.

13 An item is subject to seizure pursuant to a search warrant if there is probable cause to believe
14 ~~that it:~~ any of the following:

- 15 (1) ~~Is~~ It is stolen or ~~embezzled; or~~ embezzled.
16 (2) ~~Is~~ It is contraband or otherwise unlawfully ~~possessed; or~~ possessed.
17 (3) ~~Has~~ It has been used or is possessed for the purpose of being used to commit
18 or conceal the commission of a ~~crime; or~~ crime.
19 (4) ~~Constitutes~~ It constitutes evidence of an offense or the identity of a person
20 participating in an offense.

21 ...

22 "§ 15A-244. Contents of the application for a search warrant.

23 (a) Each application for a search warrant must be made in writing upon oath or
24 affirmation. All applications must contain:

- 25 (1) The name and title of the ~~applicant; and~~ applicant.
26 (2) A statement that there is probable cause to believe that items subject to seizure
27 under G.S. 15A-242 may be found in or upon a designated or described place,
28 vehicle, or ~~person; and~~ person.
29 (3) Allegations of fact supporting the statement. The statements must be
30 supported by one or more affidavits particularly setting forth the facts and
31 circumstances establishing probable cause to believe that the items are in the
32 places or in the possession of the individuals to be ~~searched; and~~ searched.

33 ...
34 (b) For an officer to be able to break and enter any premises or vehicle in the execution
35 of a search warrant pursuant to G.S. 15A-251(b), the application for a search warrant under
36 subsection (a) of this section must also contain:



1 (1) A statement that there is probable cause to believe that the giving of notice of
2 the execution of the search warrant would endanger the life or safety of any
3 person.

4 (2) Allegations of fact particularly setting forth the facts and circumstances
5 establishing probable cause to believe that the giving of notice of the
6 execution of the search warrant would endanger the life or safety of any
7 person.

8 **"§ 15A-245. Basis for issuance of a search warrant; duty of the issuing official.**

9 ...

10 (b) If the issuing official finds that the application meets the requirements of this Article
11 and finds there is probable cause to believe that the search will discover items specified in the
12 application which are subject to seizure under G.S. 15A-242, ~~he~~the official must issue a search
13 warrant in accordance with the requirements of this Article. The issuing official must retain a
14 copy of the warrant and warrant application and must promptly file them with the clerk. If ~~he~~the
15 official does not so find, the official must deny the application.

16 **"§ 15A-246. Form and content of the search warrant.**

17 A search warrant must contain:

18 (1) The name and signature of the issuing official with the time and date of
19 issuance above ~~his signature; and~~and the issuing official's signature.

20 (2) The name of a specific officer or the classification of officers to whom the
21 warrant is ~~addressed; and~~addressed.

22 (3) The names of the applicant and of all persons whose affidavits or testimony
23 were given in support of the ~~application; and~~application.

24 (4) A designation sufficient to establish with reasonable certainty the premises,
25 vehicles, or persons to be ~~searched; and~~searched.

26 ...

27 **"§ 15A-247. Who may execute a search warrant.**

28 A search warrant may be executed by any law-enforcement officer acting within ~~his~~the
29 law-enforcement officer's territorial jurisdiction, whose investigative authority encompasses the
30 crime or crimes involved.

31 ...

32 **"§ 15A-249. Officer to give notice of identity and purpose.**

33 (a) The officer executing a search warrant must, before entering the premises, give
34 appropriate notice of ~~his~~the officer's identity and purpose to the person to be searched, or the
35 person in apparent control of the premises to be searched. If it is unclear whether anyone is
36 present at the premises to be searched, ~~he~~the officer must give the notice in a manner likely to
37 be heard by anyone who is present.

38 (b) The officer providing notice under this section shall provide enough time following
39 notice for (i) an occupant of the premises to respond or (ii) the officer to determine whether the
40 requirements of G.S. 15A-251(1) allowing entry by force have been met.

41 ...

42 **"§ 15A-251. Entry by force.**

43 An officer may break and enter any premises or vehicle when necessary to the execution of
44 the warrant ~~if~~under either of the following circumstances:

45 (1) The officer has previously announced ~~his~~the officer's identity and purpose as
46 required by G.S. 15A-249 and reasonably believes either that admittance is
47 being denied or unreasonably delayed or that the premises or vehicle is
48 ~~unoccupied; or~~unoccupied.

49 (2) ~~The officer has probable cause to believe that the giving of notice would~~
50 ~~endanger the life or safety of any person.~~warrant includes the statement and
51 allegations of fact required by G.S. 15A-244(b).

1 ...

2 **"§ 15A-253. Scope of the search; seizure of items not named in the warrant.**

3 The scope of the search may be only such as is authorized by the warrant and is reasonably
4 necessary to discover the items specified therein. Upon discovery of the items specified, the
5 officer must take possession or custody of them. If in the course of the search the officer
6 inadvertently discovers items not specified in the warrant which are subject to seizure under
7 G.S. 15A-242, ~~he~~the officer may also take possession of the items so discovered.

8 **"§ 15A-254. List of items seized.**

9 Upon seizing items pursuant to a search warrant, an officer must write and sign a receipt
10 itemizing the items taken and containing the name of the court by which the warrant was issued.
11 If the items were taken from a person, the receipt must be given to the person. If items are taken
12 from a place or vehicle, the receipt must be given to the owner, or person in apparent control of
13 the premises or vehicle if the person is present; ~~or if he~~the person is not, not present, the officer
14 must leave the receipt in the premises or vehicle from which the items were taken.
15"

16 **SECTION 2.** This act becomes effective October 1, 2025, and applies to search
17 warrants issued on or after that date.