
EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

Section 1. NRS 171.106 is hereby amended to read as follows:

171.106 *1.* If it appears ~~from the complaint or a citation issued pursuant to NRS 484A.730, 488.920 or 501.386, or~~ from an affidavit or affidavits filed with **the complaint or a citation issued pursuant to NRS 484A.730, 488.920 or 501.386** ~~the complaint or citation~~ that there is probable cause to believe that an offense, triable within the county, has been committed and that the defendant has committed it, a warrant for the arrest of the defendant ~~[shall]~~ *must* be issued by the magistrate to any peace officer. ~~Upon the request of the district attorney,~~ **The magistrate may issue** a summons instead of a warrant. ~~[shall issue.] must be issued.~~ More than one warrant or summons may ~~[issue]~~ *be issued* on the same complaint or citation. If a defendant fails to appear in response to the summons, a warrant ~~[shall issue.] must be issued for the arrest of the defendant.~~

*2. A magistrate shall not issue a no-knock warrant for the arrest of a defendant unless it is shown by an **the affidavit or affidavits, sworn to before the magistrate, that a no-knock warrant is necessary demonstrate that the underlying crime involves a significant and imminent threat to public safety, and giving notice is likely to create an imminent danger to the life of officers executing the warrant or to another persons.***

~~— (a) To ensure the safety of the peace officer executing the warrant or the safety of any other person based upon specific facts and circumstances involving the defendant or the location where the warrant is executed, including, without limitation, the following circumstances:~~

~~— (1) The defendant has a criminal history that evidences a tendency towards violence;~~
~~or~~

~~— (2) The defendant has previously attempted to escape during the execution of a felony warrant for his or her arrest; or~~

~~— (b) To prevent the destruction of evidence, including, without limitation, electronic evidence or the presence of a controlled substance.~~

3. Affidavits in support of an application for a “no knock” warrant must:

(a) Describe the probable cause establishing that the subject has committed a felony that involves a significant and imminent threat to public safety;

(b) Describe the specific factors that make a knock-and-announce entry pursuant to a warrant impracticable, and a no-knock warrant necessary;

(c) State whether the no-knock search warrant may be effectively executed during daylight hours and, if not, the particularized facts and circumstances that preclude effective execution in daylight hours;

(d) Describe the investigative activities undertaken and information gathered which support the request for a no-knock search warrant;

(e) Certify that no less invasive method of executing a warrant is sufficient to detain a suspect; and

(f) Certify that the peace officers who will execute the requested no-knock warrant are trained in tactical or dynamic entry operations.

4. Manner of executing a no-knock warrant

(a)The officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering the premises.

(b) The officer may use only that force which is reasonable and necessary to effectuate forcible entry.

(c) an officer executing a warrant under this section shall wear a body-worn camera when a camera is available, except in exigent circumstances where it is not practicable to do so.

(d) Upon arrival at the premises to be searched, and before effecting a no-knock entry, officers must determine if any change in circumstances has obviated the need for a no-knock entry or has created a risk that a no-knock entry will result in imminent danger to the life of any bystanders or third-persons inside or outside the premises.

5. Exclusionary Rule: There shall be a rebuttable presumption that evidence obtained pursuant to a no-knock warrant that does not conform to the provisions of Sections (2) and (3) of this statute is not admissible by the State in a criminal trial.

This presumption may be overcome by a showing by the State that the defects in the warrant application did not infringe upon any constitutional right of a defendant against whom the evidence is offered.

3. As used in this section, “no-knock warrant” means a warrant that authorizes a peace officer to enter a premises without first:

(a) Knocking on the door or ringing the doorbell;

(b) Identifying himself or herself as a peace officer and stating his or her intent or purpose; and

(c) Waiting ~~at~~ **an objectively** reasonable amount of time for the occupant to let him or her into the premises.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A magistrate shall not issue a no-knock warrant to search the person or place named in the search warrant unless ~~it is shown by an~~ **the affidavit or affidavits, sworn to before the magistrate, that a no-knock warrant is necessary demonstrate that the underlying crime involves a significant and imminent threat to public safety, and giving notice is likely to create an imminent danger to the life of officers executing the warrant or to another persons.**

~~—(a) To ensure the safety of the peace officer executing the warrant or the safety of any other person based upon specific facts and circumstances involving the defendant or the location where the warrant is executed, including, without limitation, the following circumstances:~~

~~—(1) The defendant has a criminal history that evidences a tendency towards violence;~~

~~or~~

~~—(2) The defendant has previously attempted to escape during the execution of a felony warrant for his or her arrest; or~~

~~—(b) To prevent the destruction of evidence, including, without limitation, electronic evidence or the presence of a controlled substance.~~

3. An affidavit or affidavits seeking a “no knock” warrant must:

(a) Describe the probable cause establishing that the subject has committed a felony that involves a significant and imminent threat to public safety;

(b) Describe the specific factors that make a knock-and-announce entry pursuant to a warrant impracticable, and a no-knock warrant necessary;

(c) State whether the no-knock search warrant may be effectively executed during daylight hours and, if not, the particularized facts and circumstances that preclude effective execution in daylight hours;

(d) Describe the investigative activities undertaken and information gathered which support the request for a no-knock search warrant;

(e) Certify that no less invasive method of executing a warrant is sufficient to detain a suspect; and

(f) Certify that the peace officers who will execute the requested no-knock warrant are trained in tactical or dynamic entry operations.

Sec. 3. NRS 179.015 is hereby amended to read as follows: 179.015 As used in NRS 179.015 to 179.115, inclusive, *and section 2 of this act*, the term “property” includes documents, books, papers and any other tangible objects.

Sec. 4. The amendatory provisions of this act apply to a warrant issued on or after October 1, 2021.