

## **Alabama Rules of Criminal Procedure**

### **Rule 3. Arrest warrant or summons upon commencement of criminal proceedings; search warrant.**

*Rule 3.12. Authority to break and enter.*

To execute the warrant, the law enforcement officer may break open any door or window of a house, dwelling, vehicle, or structure, or any part thereof, or anything therein, if, after notice of his authority and purpose, he is not granted admittance.

### **Committee Comments**

This rule is taken from Ala.Code 1975, § 15-5-9. It should be clear that it is not necessary to have an affirmative refusal. If no one is present or no answer is made within a reasonable period, the officer may gain entrance to the premises by breaking in if necessary.