

HB 199 -- MUNICIPAL SEARCH WARRANTS

SPONSOR: Wright

This bill authorizes municipal judges to issue a warrant to search and seize, photograph, copy, or record any violation of a municipal ordinance, or to enter onto property to abate certain statutory nuisances. The information that must be included in the application for the search warrant is specified in the bill. The application must be accompanied by an affidavit verified by oath or affirmation. The affidavit must be considered in determining whether probable cause exists for the search warrant.

The specific requirements for and information that a search warrant must contain, including a municipal judge's signature, is specified in the bill. The search warrant may only be executed by a peace officer of the city or a code enforcement officer, and it expires in 10 days if not executed and return made. After execution of the search warrant, the warrant with a return thereon signed by the officer conducting the search must be delivered to the judge who issued the warrant. The information to be contained on the return is set out in the bill. The return must be accompanied by an itemized receipt.

Under what circumstances a search warrant will be deemed invalid is specified in the bill, but it cannot be deemed invalid for the sole reason that the application or execution of the warrant relies upon electronic signatures of a peace officer, prosecutor, or judge issuing the warrant.

This bill is similar to HB 2857 (2022).