

CHAPTER 1324
SEARCH WARRANTS
H.F. 2400

AN ACT providing for uniform search warrants, applications for search warrants, endorsements for search warrants, and returns of search warrants.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Rule of criminal procedure 30, Iowa court rules, second edition, is amended by striking the rule and inserting in lieu thereof the following:

Rule 30. FORMS FOR WARRANTS. A search warrant shall be in substantially the following form:

State of Iowa, County of _____

State of Iowa
vs.

(Defendant)



Before (Judge, Magistrate) _____
Criminal Case No. _____

SEARCH WARRANT

TO ANY PEACE OFFICER OF THIS STATE:

Proof has been made before me, as provided by law, on this day that (describe property) is being kept at (describe location/ address) in the possession of _____, and has been or is being held in violation of the laws of this state.

You are commanded to make immediate search of (state here whether the search is of a person (named), premises, or a designated thing.)

If the property or any portion of the property is found, you are commanded to bring the property before me at my office.

Dated at _____, Iowa, this _____ day of _____, 19__.

(signature)

(official title)

An application for a search warrant shall be in substantially the following form:

State of Iowa, County of _____

State of Iowa
vs.

(Defendant)



APPLICATION FOR
SEARCH WARRANT

(attach additional sheets as needed)

I, _____, being first duly sworn on oath, state:

- 1. That I am a resident of _____, County, Iowa.
2. That I have good reason to believe that certain property is either being used or held in such a manner or is of such a character as to render it subject to a search warrant (check applicable ground or grounds) because:

_____ The property has been obtained in violation of the law.
 _____ The possession of the property is unlawful.
 _____ The property has been used or is being possessed with the intent to be used as a means of committing a public offense or concealed to prevent an offense from being discovered.

_____ The property is relevant and material as evidence in a criminal prosecution.

3. That the property is:

(a) Describable as follows (with specificity):

(b) Located at or in (include city, street, and number if applicable)

(c) Believed to be in the possession of (name of person or group if search is to be of person include physical description)

4. That the facts and circumstances which lead me to believe that probable cause for this search exist are as follows:

a. My personal knowledge:

(1) Facts:

(2) Source of Facts:

b. Facts told to me by informant:

(1) Facts:

(2) How informant learned of these facts:

(3) Reason for reliability of this informant (although the informant need not be named, character, circumstances, and past reliable information by this informant should be stated)

Wherefore, the undersigned applies to a judge or magistrate of _____ County, Iowa for a search warrant to be issued and for the described person, premises, place, residence, or vehicle to be searched for the described property.

 (Applicant's legal signature)

Subscribed and sworn to before me by _____, this _____
 day of _____, 19_____.

 Judge or Magistrate

In and for _____ County, Iowa.

An endorsement on a search warrant shall be in substantially the following form:

JUDGE'S OR MAGISTRATE'S ENDORSEMENT TO SEARCH WARRANT APPLICATION

1. The following person gave sworn testimony upon which the undersigned judge or magistrate relied to issue the search warrant:

a. _____ (Name) _____ (Address)

b. Abstract of testimony:

2. Information supplied to the above peace officer _____ by an informant (who need not be named):

The information appears credible because (select):

_____ a. Sworn testimony indicates this informant has given reliable information on previous occasions.

or

_____ b. Sworn testimony indicates this informant has not been used before but that either the informant appears credible or the information appears credible for the following reasons:

3. The information (is/is not) found to justify probable cause.

4. I therefore (do/do not) issue the warrant.

Judge or Magistrate

The form of a return of search warrant shall be substantially as follows:

RETURN OF SERVICE

State of Iowa)
County) ss.

I, _____, being a peace officer in and for _____ County, state of Iowa, certify that the attached search warrant came into my hands on the _____ day of _____, 19____, and on the _____ day of _____, 19____, I executed the warrant by making a search of the described person, premises, or thing and found the following property:
(state kind and quantity)

_____ which property I seized by virtue of the attached warrant and which I now hold subject to further order of the court.

I have further executed the attached warrant by giving a copy of the warrant, together with a receipt for the property taken to _____, or;

No person having been found on the premises, I have left a copy of the inventory and a receipt for the property taken at the place where the property taken was found.

I, the officer by whom the attached warrant was executed, do certify that the above inventory contains a true and detailed account of the property taken by me on the warrant, and is accurate to the best of my knowledge.

fees _____
 services _____
 mileage _____
 cartage _____

 (official title)

Sec. 2. Rules of Criminal Procedure, second edition, are amended by adding the following new rule:

NEW RULE. 31. FORMS OTHER THAN WARRANTS. The forms contained in the appendix of forms are illustrative and not mandatory, and any particular instrument may be in more or less the form illustrated.

Approved April 11, 1984