

CHAPTER 1083

SEARCH WARRANTS — GLOBAL POSITIONING DEVICES

H.F. 475

AN ACT relating to the issuance of a search warrant to authorize the placement, tracking, monitoring, and removal of a global positioning device.

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

Section 1. Section 808.1, subsection 1, Code 2014, is amended to read as follows:

1. “*Search warrant*” means an order in writing ~~pursuant to the requirements of section 808.3~~, in the name of the state, signed by a magistrate, and directed to a peace officer commanding the officer to search a person, premises, or thing, issued pursuant to the requirements of section 808.3, or to place, track, monitor, or remove a global positioning device, issued pursuant to the requirements of section 808.3A.

Sec. 2. NEW SECTION. 808.3A **Application for search warrant — global positioning device.**

1. A peace officer may make a written application to a magistrate for the issuance of a search warrant to authorize the placement, tracking, monitoring, or removal of a global positioning device, supported by a peace officer’s oath or affirmation, which includes facts, information, and circumstances tending to establish sufficient grounds for granting the peace officer’s application, and probable cause for believing the grounds exist.

2. The application shall describe the person, place, or thing to be tracked or monitored by a global positioning device, or the removal of such a device from a person, place, or thing with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place, or thing. If the magistrate issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue the warrant together with the abstract of each witness’ testimony, or the witness’ affidavit. However, if the grounds for issuance are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given. The application or sworn testimony supplied in support of the application must establish the credibility of the informant or the credibility of the information given by the informant. The magistrate may in the magistrate’s discretion require that a witness upon whom the applicant relies for the information appear personally and be examined concerning the information.

3. Upon a finding of probable cause to issue such a warrant, the magistrate shall issue a warrant, signed by the magistrate with the magistrate’s name of office, directed to any peace officer, commanding that the peace officer place, track, monitor, or remove the global positioning device.

Approved April 10, 2014