

808.3 Application for search warrant.

1. a. A person may make application for the issuance of a search warrant by submitting before a magistrate a written application, supported by the person's oath or affirmation, which includes facts, information, and circumstances tending to establish sufficient grounds for granting the application, and probable cause for believing that the grounds exist. The application shall describe the person, place, or thing to be searched and the property to be seized with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place, or thing.

b. The search warrant application and any supporting documents may be submitted to the magistrate in person or by electronic submission. If a search warrant is submitted by electronic submission, the magistrate may use electronic means to contact the person submitting the application and supporting documents to confirm the identity of the person, and may administer the person's oath or affirmation and accept the person's sworn testimony by electronic means, subject to the processes and procedures established by the judicial branch.

2. 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 information appear personally and be examined concerning the information.

[C51, §2722; R60, §1565, 4364; C73, §1544, 1545, 4027; C97, §2413, 2414, 4963; S13, §4965-b, 5007-a; SS15, §2413; C24, 27, 31, §1578, 1968, 1969, 13200, 13211; C35, §13441-g4; C39, §13441.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §751.4; C79, 81, §808.3]

85 Acts, ch 39, §1; 98 Acts, ch 1117, §1; 2017 Acts, ch 37, §4, 9

Referred to in §321J.10, 462A.14D, 808.1

Forms, see **R.Cr.P. 2.36**

Amendment to section by **2017 Acts, ch 37, §4**, effective November 4, 2024; **2017 Acts, ch 37, §9**

Section amended