

House File 475

S-5062

1 Amend House File 475, as passed by the House, as
2 follows:

3 1. Page 1, line 1, by striking <2013> and inserting
4 <2014>

5 2. Page 1, by striking lines 12 through 24 and
6 inserting:

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

16 2. The application shall describe the person,
17 place, or thing to be tracked or monitored by a
18 global positioning device, or the removal of such a
19 device from a person, place, or thing with sufficient
20 specificity to enable an independent reasonable person
21 with reasonable effort to ascertain and identify the
22 person, place, or thing. If the magistrate issues the
23 search warrant, the magistrate shall endorse on the
24 application the name and address of all persons upon
25 whose sworn testimony the magistrate relied to issue
26 the warrant together with the abstract of each witness'
27 testimony, or the witness' affidavit. However, if the
28 grounds for issuance are supplied by an informant, the
29 magistrate shall identify only the peace officer to
30 whom the information was given. The application or
31 sworn testimony supplied in support of the application
32 must establish the credibility of the informant or the
33 credibility of the information given by the informant.
34 The magistrate may in the magistrate's discretion
35 require that a witness upon whom the applicant relies
36 for the information appear personally and be examined
37 concerning the information.

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

COMMITTEE ON JUDICIARY
ROBERT M. HOGG, CHAIRPERSON