

REPRINTED

FILED MAR 4 1996

SENATE FILE 2383  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2150)

Passed Senate, <sup>(P.879)</sup> Date 3/19/96 Passed House, Date \_\_\_\_\_  
Vote: Ayes 50 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to search warrants, including creating an  
2 exception to the exclusionary rule and allowing the issuance  
3 of a search warrant conditioned upon the occurrence of an  
4 anticipated future event.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2383

REPRINTED

1 Section 1. Section 808.3, Code 1995, is amended to read as  
2 follows:

3 808.3 APPLICATION FOR SEARCH WARRANT.

4 A person may make application for the issuance of a search  
5 warrant by submitting before a magistrate a written  
6 application, supported by the person's oath or affirmation,  
7 which includes facts, information, and circumstances tending  
8 to establish sufficient grounds for granting the application,  
9 and probable cause for believing that the grounds exist or  
10 will exist at the time the warrant is executed. If issuance  
11 is predicated on grounds that will exist at the time the  
12 warrant is executed, the validity of the warrant shall be  
13 conditioned on the occurrence, prior to execution of the  
14 warrant, of all future events alleged as the basis for  
15 issuance of the warrant. The application shall describe the  
16 person, place, or thing to be searched and the property to be  
17 seized with sufficient specificity to enable an independent  
18 reasonable person with reasonable effort to ascertain and  
19 identify the person, place, or thing. If the magistrate  
20 issues the search warrant, the magistrate shall endorse on the  
21 application the name and address of all persons upon whose  
22 sworn testimony the magistrate relied to issue the warrant  
23 together with the abstract of each witness' testimony, or the  
24 witness' affidavit. However, if the grounds for issuance are  
25 supplied by an informant, the magistrate shall identify only  
26 the peace officer to whom the information was given but shall  
27 include a determination that the information appears credible  
28 either because sworn testimony indicates that the informant  
29 has given reliable information on previous occasions or  
30 because the informant or the information provided by the  
31 informant appears credible for reasons specified by the  
32 magistrate. The magistrate may in the magistrate's discretion  
33 require that a witness upon whom the applicant relies for  
34 information appear personally and be examined concerning the  
35 information.



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SENATE FILE 2383

S-5374

1 Amend Senate File 2383 as follows:

2 1. Page 1, by striking lines 26 through 32 and  
3 inserting the following: "the peace officer to whom  
4 the information was given ~~but shall include a~~  
5 ~~determination that the information appears credible~~  
6 ~~either because sworn testimony indicates that the~~  
7 ~~informant has given reliable information on previous~~  
8 ~~occasions or because the informant or the information~~  
9 ~~provided by the informant appears credible for reasons~~  
10 ~~specified by the magistrate. The magistrate may in~~  
11 the magistrate's discretion".

12 2. Page 2, by striking lines 1 through 18.

13 3. Title page, by striking lines 1 and 2 and  
14 inserting the following: "An Act relating to search  
15 warrants and allowing the issuance".

By RANDAL J. GIANNETTO

S-5374 FILED MARCH 18, 1996

*Adopted*  
*3-19-96*  
*(p. 879)*

## HOUSE FILE 2383

S-5358

1 Amend House File 2383, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 481A.55, unnumbered paragraph  
6 1, Code 1995, is amended to read as follows:

7 Except as otherwise provided, a person shall not  
8 buy or sell, dead or alive, a bird or animal or any  
9 part of one which is protected by this chapter, but  
10 this section does not apply to fur-bearing animals,  
11 and the skins, plumage, and antlers of legally taken  
12 game. This section does not prohibit the purchase of  
13 jackrabbits from sources outside this state. This  
14 section does not prohibit a commercial processor from  
15 disposing of unclaimed game by donating the game to a  
16 charitable organization for use in providing free  
17 meals. The processor must notify the owner that the  
18 game will be disposed of at least thirty days before  
19 the date of disposal. A person shall not purchase,  
20 sell, barter, or offer to purchase, sell, or barter  
21 for millinery or ornamental use the feathers of  
22 migratory game birds; and a person shall not purchase,  
23 sell, barter, or offer to purchase, sell, or barter  
24 mounted specimens of migratory game birds.

25 Sec. 2. Section 481A.57, Code 1995, is amended to  
26 read as follows:

27 481A.57 POSSESSION AND STORAGE.

28 A person having lawful possession of ~~game-or~~ fur-  
29 bearing animals or their pelts may hold them for not  
30 to exceed ~~thirty~~ sixty days after the close of the  
31 open season for ~~such-game-or~~ the furbearers. A permit  
32 to hold a furbearer for a longer period may be granted  
33 by the department. A person having lawful possession  
34 of game may hold them for a period of one year."

35 2. By renumbering as necessary.

By BERL E. PRIEBE

S-5358 FILED MARCH 14, 1996

SENATE FILE 2383  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2150)

(AS AMENDED AND PASSED BY THE SENATE MARCH 19, 1996)

\_\_\_\_\_ - New Language by the Senate  
\* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

\*1 An Act relating to search warrants and allowing the issuance of a  
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32 ~~magistrate.~~ The magistrate may in the magistrate's discretion  
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34 information appear personally and be examined concerning the  
35 information.

*Diannette  
Vilsack  
Auerhauer  
Maddox  
Redfern*

SSB 2150

*Judiciary*

BY *(HF)* 2383

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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