

Senate Study Bill 2010

Bill Text

PAG LIN

1 1 Section 1. Section [808.3](#), Code 1997, is amended to read as
1 2 follows:

1 3 808.3 APPLICATION FOR SEARCH WARRANT.

1 4 A person may make application for the issuance of a search
1 5 warrant by submitting before a magistrate a written
1 6 application, supported by the person's oath or affirmation,
1 7 which includes facts, information, and circumstances tending
1 8 to establish sufficient grounds for granting the application,
1 9 and probable cause for believing that the grounds exist. The
1 10 application shall describe the person, place, or thing to be
1 11 searched and the property to be seized with sufficient
1 12 specificity to enable an independent reasonable person with
1 13 reasonable effort to ascertain and identify the person, place,
1 14 or thing. If the magistrate issues the search warrant, the
1 15 magistrate shall endorse on the application the name and
1 16 address of all persons upon whose sworn testimony the
1 17 magistrate relied to issue the warrant together with the
1 18 abstract of each witness' testimony, or the witness'
1 19 affidavit. However, if the grounds for issuance are supplied
1 20 by an informant, the magistrate shall identify only the peace
1 21 officer to whom the information was given

~~but shall include a~~

1 22

~~determination that the information appears credible either~~

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~~because sworn testimony indicates that the informant has given~~

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~~reliable information on previous occasions or because the~~

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~~informant or the information provided by the informant appears~~

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~~credible for reasons specified by the magistrate~~

~~The~~

1 27 magistrate may in the magistrate's discretion require that a
1 28 witness upon whom the applicant relies for information appear
1 29 personally and be examined concerning the information.

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EXPLANATION

1 31 This bill amends the provision relating to applications for
1 32 a search warrant by striking language which requires a
1 33 magistrate to make a determination of the credibility of
1 34 information in a warrant application if the application is
1 35 based on information from an informant. The requirement that
2 1 the magistrate identify in the warrant only the peace officer
2 2 to whom the information was given is retained.

2 3 LSB 3169DP 77

