

House File 2037 - Introduced

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BY BAUDLER

A BILL FOR

1 An Act relating to the issuance of a search warrant to
2 authorize the placement, tracking, and monitoring of a
3 global positioning device.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 808.1, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. "*Search warrant*" means an order in writing pursuant
4 ~~to the requirements of section 808.3~~, in the name of the
5 state, signed by a magistrate, and directed to a peace officer
6 commanding the officer to search a person, premises, or thing,
7 issued pursuant to the requirements of section 808.3, or to
8 place, track, or monitor a global positioning device, issued
9 pursuant to the requirements of section 808.3A.

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

12 A peace officer may make application to a judicial
13 officer for the issuance of a search warrant to authorize the
14 placement, tracking, or monitoring of a global positioning
15 device, supported by a peace officer's oath or affirmation,
16 which includes facts, information, and circumstances tending to
17 establish sufficient grounds for granting the peace officer's
18 application, and probable cause for believing the grounds
19 exist. Upon a finding of probable cause to issue such a
20 warrant, the judicial officer shall issue a warrant, signed
21 by the judicial officer with the judicial officer's name of
22 office, directed to any peace officer, commanding that the
23 peace officer place, track, or monitor the global positioning
24 device.

25 EXPLANATION

26 This bill relates to the issuance of a search warrant
27 authorizing the use of a global positioning device.

28 The bill authorizes a peace officer to make an application
29 to a judicial officer for the issuance of a search warrant to
30 authorize the placement, tracking, or monitoring of a global
31 positioning device, if the application is supported by the
32 peace officer's oath and affirmation, including other facts and
33 circumstances that establish sufficient grounds for granting
34 the peace officer's application, and probable cause for
35 believing the grounds exist. Upon a finding of probable cause

1 to issue a search warrant, the judicial officer shall issue the
2 search warrant, commanding that the peace officer place, track,
3 or monitor the global positioning device.

4 Current law only allows a special state agent, defined in
5 Code section 808B.1 as a peace officer of the department of
6 public safety, to make an application to a judicial officer for
7 the issuance of a search warrant for the placement, tracking,
8 or monitoring of a global positioning device in Code section
9 808B.5(12).