

House File 475 - Introduced

HOUSE FILE 475

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 91)

A BILL FOR

1 An Act relating to the issuance of a search warrant to
2 authorize the placement, tracking, monitoring, and removal
3 of a 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 2013, 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, monitor, or remove a global positioning device,
9 issued 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
14 the placement, tracking, monitoring, or removal of a global
15 positioning device, supported by a peace officer's oath
16 or affirmation, which includes facts, information, and
17 circumstances tending to establish sufficient grounds for
18 granting the peace officer's application, and probable cause
19 for believing the grounds exist. Upon a finding of probable
20 cause to issue such a warrant, the judicial officer shall issue
21 a warrant, signed by the judicial officer with the judicial
22 officer's name of office, directed to any peace officer,
23 commanding that the peace officer place, track, monitor, or
24 remove the global positioning device.

25 EXPLANATION

26 This bill relates to the issuance of a search warrant
27 regarding 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, monitoring, or removal of
31 a global positioning device, if the application is supported
32 by the peace officer's oath and affirmation, including other
33 facts and circumstances that establish sufficient grounds for
34 granting the peace officer's application, and probable cause
35 for believing the grounds exist. Upon a finding of probable

1 cause to issue a search warrant, the judicial officer shall
2 issue the search warrant, commanding that the peace officer
3 place, track, monitor, or remove 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).