

CHAPTER 39
APPLICATION FOR SEARCH WARRANTS
S.F. 85

AN ACT relating to the application for and issuance of search warrants.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 808.3, Code 1985, is amended to read as follows:

808.3 APPLICATION FOR SEARCH WARRANT.

~~Any~~ **A** person may make application for the issuance of a search warrant by submitting before ~~any~~ a magistrate a written application, supported by the person's oath or affirmation, and ~~setting forth therein which includes~~ facts, information, and circumstances tending to establish sufficient grounds for granting the application, and probable cause for believing that ~~such~~ the grounds exist. The application shall describe the person, place, or thing to be searched and the property to be seized with ~~such sufficient~~ specificity so as to enable an independent reasonable person with reasonable effort to ascertain and identify ~~such~~ the person, place, or thing. If the magistrate ~~thereafter~~ issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue ~~such~~ the warrant together with the abstract of each witness' testimony, or the witness' affidavit. However, if the grounds for issuance are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given ~~but shall include a determination that the information appears credible either because sworn testimony indicates that the informant has given reliable information on previous occasions or because the informant or the information provided by the informant appears credible for reasons specified by the magistrate.~~ The magistrate may in the magistrate's discretion require that ~~any~~ a witness upon whom the applicant relies for information appear personally and be examined concerning ~~such~~ the information.

Approved April 23, 1985