

CHAPTER 1260
RULES OF CRIMINAL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
 IN THE IOWA RULES OF
 CRIMINAL PROCEDURE

}

REPORT OF THE
 SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
 THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached Exhibit "A", concerning the amending of Rule 30 of the Iowa Rules of Criminal Procedure, which is issued on this date. The current forms for an application for, an endorsement on, and a return of service for, a search warrant are rescinded. The attached Exhibit "A" reflects the amendments to the application for, the endorsement on, and a return of service for, the search warrant.

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), this change is to take effect July 1, 1986.

Respectfully submitted,
 THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
 February 13, 1986

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of February, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Criminal Procedure.

/s/ Donovan Peeters

Secretary of the Legislative Council

EXHIBIT "A"

Rule 30. Forms for warrants.

An application for a search warrant shall be in substantially the following form:
[NEW]

Case No. _____

State of Iowa, County of _____

APPLICATION FOR SEARCH WARRANT

Being duly sworn, I, the undersigned, say that at the place (and on the person(s) and in the vehicle(s)) described as follows:

in _____ County, there is now certain property, namely:

which is:

- _____ Property that has been obtained in violation of law.
- _____ Property, the possession of which is illegal.
- _____ Property used or possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.
- _____ Property relevant and material as evidence in a criminal prosecution.

The facts establishing the foregoing ground(s) for issuance of a search warrant are as set forth in the attachment(s) made part of this application.

Applicant

Subscribed and sworn to before me this _____ day of _____, 19 _____.

Judge or Magistrate

_____ Judicial District,
_____ County, Iowa

WHEREFORE, the undersigned asks that a search warrant be issued.

County Attorney

By _____
Assistant County Attorney

Case No. _____

ATTACHMENT A

Applicant's name: _____

Occupation: _____ No. of years: _____

Assignment: _____ No. of years: _____

Your applicant conducted an investigation and received information from other officers and other sources as follows:

(_____ See attached investigative and police reports.)

Case No. _____

INFORMANT'S ATTACHMENT

(Note: Prepare separate attachment for each informant.)

Peace officer _____ received information from an informant whose name is:

_____ Confidential because disclosure of informant's identity would:

_____ Endanger informant's safety;

_____ Impair informant's future usefulness to law enforcement.

The informant is reliable for the following reason(s):

_____ The informant is a concerned citizen who has been known by the above peace officer for _____ years and who:

_____ Is a mature individual.

_____ Is regularly employed.

_____ Is a student in good standing.

_____ Is a well-respected family or business person.

_____ Is a person of truthful reputation.

_____ Has no motivation to falsify the information.

_____ Has no known association with known criminals.

_____ Has no known criminal record.

_____ Has otherwise demonstrated truthfulness. (State in the narrative the facts that led to this conclusion.)

_____ Other: _____

_____ The informant has supplied information in the past _____ times.

_____ The informant's past information has helped supply the basis for _____ search warrants.

_____ The informant's past information has led to the making of _____ arrests.

_____ Past information from the informant has led to the filing of the following charges:

_____ Past information from the informant has led to the discovery and seizure of stolen property, drugs, or other contraband.

_____ The informant has not given false information in the past.

_____ The information supplied by the informant in this investigation has been corroborated by law enforcement personnel. (Indicate in the narrative the corroborated information and how it was corroborated.)

_____ Other: _____

The informant has provided the following information.

An endorsement on a search warrant shall be in substantially the following form:

[NEW]

Case No. _____

ENDORSEMENT ON SEARCH WARRANT APPLICATION

1. In issuing the search warrant, the undersigned relied upon the sworn testimony of the following person(s) together with the statements and information contained in the application and any attachments thereto. The court relied upon the following witnesses:

Name

Address

_____	_____
_____	_____
_____	_____

2. Abstract of Testimony. (As set forth in the application and the attachments thereto, plus the following information.)

3. The undersigned has relied, at least in part, on information supplied by a confidential informant (who need not be named) to the peace officer(s) shown on Attachment(s)

4. The information appears credible because (select):

_____ A. Sworn testimony indicates this informant has given reliable information on previous occasions; or,

_____ B. Sworn testimony indicates this informant has not been used before but that either the informant appears credible or the information appears credible for the following reasons:

- 5. The information (is/is not) found to justify probable cause.
- 6. I therefore (do/do not) issue the warrant.

Judge or Magistrate

The form of a return of search warrant shall be substantially as follows:

RETURN OF SERVICE

State of Iowa)
)
_____ County) ss.

I, _____, being a peace officer in and for _____ County, state of Iowa, certify that the attached search warrant came into my hands on the _____ day of _____, 19_____, and on the _____ day of _____, 19_____, I executed the warrant by making a search of the described person, premises, or thing and found the following property: (state kind and quantity)

which property I seized by virtue of the attached warrant and which I now hold subject to further order of the court.

I have further executed the attached warrant by giving a copy of the warrant, together with a receipt for the property taken to _____, or;

No person having been found on the premises, I have left a copy of the inventory and a receipt for the property taken at the place where the property taken was found.

I, the officer by whom the attached warrant was executed, do certify that the above inventory contains a true and detailed account of the property taken by me on the warrant, and is accurate to the best of my knowledge.

Fees _____
Services _____
Mileage _____
Cartage _____

(Peace Officer)

[NEW]
Subscribed and sworn to before me this _____ day of _____, 19_____.

Judge, Magistrate, Clerk, or
Deputy Clerk of the District
Court, or Notary Public