

ENROLLED HOUSE
BILL NO. 2227

By: Askins of the House

and

Wilkerson of the Senate

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 1230, which relates to service of search warrants; providing exceptions to time restriction under which certain search warrants may be served; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1230, is amended to read as follows:

Section 1230. Search warrants for occupied dwellings shall be served ~~during~~ between the hours of six o'clock a.m. ~~to~~ and ten o'clock p.m., inclusive, unless the judge finds the existence of at least one of the following circumstances:

1. The evidence is located on the premises only between the hours of ten o'clock p.m. and six o'clock a.m.;

2. The search to be performed is a crime scene search; or

3. The affidavits be positive that the property is on the person, or in the place to be searched and the judge finds that there is likelihood that the property named in the search warrant will be destroyed, moved or concealed. ~~In which case~~

If any of the above criteria are met the judge may insert a direction that ~~it~~ the warrant be served at any time of the day or night. Search warrants for sites other than occupied dwellings may be served at any time of the day or night without a special direction.

SECTION 2. This act shall become effective November 1, 1996.

Passed the House of Representatives the 28th day of February,
1996.

Speaker of the House of
Representatives

Passed the Senate the 26th day of March, 1996.

President of the Senate