

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 432

By: Pruitt, Gumm, Nichols,
Barrington, Mazzei, Jolley,
Ford and Lamb of the Senate

and

Morgan (Fred) of the House

COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 1230, which relates to search warrants; adding exception for searches of certain dwellings; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1230, is amended to read as follows:

Section 1230. Search warrants for occupied dwellings shall be served between the hours of six o'clock a.m. 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; or
4. The search to be performed is a search for evidence relating to the illegal manufacture of methamphetamine or other controlled dangerous substance.

If any of the above criteria are met the judge may insert a direction that 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, 2005.

50-1-7174 GRS 03/30/05