

ENROLLED SENATE
BILL NO. 432

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

and

Morgan (Fred), Kiesel and
Nance of the House

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.

Passed the Senate the 18th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2005.

Presiding Officer of the House
of Representatives