

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 432

By: Pruitt

AS INTRODUCED

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 for the manufacture of methamphetamine or other controlled substances or for the trafficking of controlled substances.

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.

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