

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1660 by substituting the attached floor substitute (Request # 3529) for the title, enacting clause and entire body of the measure.

Submitted by:

Richard Weaver
Senator Weaver

I hereby grant permission for the floor substitute to be adopted.

Brent Howard
Senator Howard, Chair (required)

Blaine Gollihare
Senator Gollihare

May Boren
Senator Boren

Senator Brooks

Senator Bullard

Senator Daniels

Senator Treat, President Pro Tempore

Senator Floyd

Senator Hall

Senator Jech

Senator Standridge

Senator Stewart

Senator Weaver

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Weaver-TEK-FS-SB1660
2/20/2024 10:33 AM

(Floor Amendments Only) Date and Time Filed: 2-29-24 11:12am

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1660

By: Weaver of the Senate

and

Duel of the House

FLOOR SUBSTITUTE

[search warrants - effective date]

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 1221, is
amended to read as follows:

Section 1221. A. A search warrant is an order in writing, in
the name of the state, signed by a magistrate, directed to a peace
officer, commanding ~~him~~ the peace officer to search for personal
property or to search for a person for whom an arrest warrant has
been issued and bring ~~it~~ the property or person before the
magistrate.

B. For purposes of Sections 1221 through 1241 of this title, ~~the term "personal"~~
the term "personal":

1. "Arrest warrant" means an outstanding arrest warrant for any
felony offense or a misdemeanor offense of domestic assault and

1 battery as provided in subsection C of Section 644 of Title 21 of
2 the Oklahoma Statutes. The term shall include arrest and bench
3 warrants, but shall not include warrants issued solely for failure
4 to pay court financial obligations, other than restitution, as
5 defined in subsection A of Section 983 of this title; and

6 2. "Personal property" or "property" ~~shall mean~~ means items and
7 information that can be analyzed, seen, weighed, measured, felt or
8 touched or that are in any other manner perceptible to the senses.

9 SECTION 2. AMENDATORY 22 O.S. 2021, Section 1222, is
10 amended to read as follows:

11 Section 1222. A. A search warrant may be issued and property
12 seized upon any of the following grounds:

13 First: When the property was stolen or embezzled, in which case
14 it may be taken on the warrant, from any house or other place in
15 which it is concealed, or from the possession of the person by whom
16 it was stolen or embezzled, or of any other person in whose
17 possession it may be.

18 Second: When it was used as the means of committing a felony,
19 in which case it may be taken on the warrant from any house or other
20 place in which it is concealed, or from the possession of the person
21 by whom it was used in the commission of the offense, or of any
22 other person in whose possession it may be.

23 Third: When it is in the possession of any person, with the
24 intent to use it as the means of committing a public offense, or in

1 the possession of another to whom the person may have delivered it
2 for the purpose of concealing it or preventing its being discovered,
3 in which case it may be taken on the warrant from such person, or
4 from a house or other place occupied by the person, or under the
5 person's control, or from the possession of the person to whom the
6 person may have so delivered it.

7 Fourth: When the property constitutes evidence that an offense
8 was committed or that a particular person participated in the
9 commission of an offense.

10 Fifth: When there is probable cause to believe that, at a
11 future time, the property or items sought which are intended to be
12 used to commit a public offense, will be located at a particular
13 place. Under such circumstances, the magistrate shall insert a
14 direction in the search warrant making execution of the warrant
15 contingent upon the happening of an event which evidences probable
16 cause that the item to be seized is in the place to be searched.

17 Sixth: As authorized by any provision of the Security of
18 Communications Act.

19 B. A search warrant may be issued to allow peace officers to
20 enter, search for, and seize a person for whom an arrest warrant has
21 been issued.

22 SECTION 3. AMENDATORY 22 O.S. 2021, Section 1225, is
23 amended to read as follows:
24

1 Section 1225. A. If a magistrate ~~be thereupon~~ is satisfied of
2 the existence of grounds of the application, or that there is
3 probable cause to believe their existence, ~~he must~~ the magistrate
4 shall issue a search warrant, signed by ~~him,~~ the magistrate with ~~his~~
5 the name of office, to a peace officer of this state, commanding ~~him~~
6 ~~forthwith~~ the officer to search the person or place named, for the
7 property or person specified, and to bring it before the magistrate,
8 and also to arrest the person in whose possession the ~~same~~ property
9 may be found, to be dealt with according to law.

10 B. In addition to any other procedure authorized by law, a
11 proposed search warrant, affidavit or both search warrant and
12 affidavit may be communicated to the magistrate by telephone or by
13 electronic mail or any similar electronic communication which
14 delivers a complete printable image of the warrant or affidavit.

15 1. If the proposed search warrant is communicated
16 telephonically, the affiant shall:

- 17 a. recite information establishing probable cause to
18 support issuance of the search warrant, and
- 19 b. recite the proposed search warrant to the magistrate
20 verbatim and obtain the oral permission of the
21 magistrate to print the name of the magistrate on the
22 search warrant along with the date and time of the
23 signature.

1 The oral recorded authorization of the magistrate to print the
2 name of the magistrate on the search warrant shall constitute
3 issuance of the search warrant under this section. The conversation
4 establishing probable cause, reciting the contents of the search
5 warrant verbatim and any authorization to sign by the magistrate,
6 shall be audio-recorded, transcribed and filed together with the
7 warrant in accordance with Section 1223.1 of this title.

8 2. If communication of the proposed affidavit is made by
9 electronic mail or other electronic communication, the affidavit may
10 contain a notarized acknowledgement or the affiant may swear to the
11 affidavit by telephone. A magistrate administering an oath
12 telephonically shall endorse upon the face of the affidavit the date
13 and time which the affiant undertook the oath by telephone.

14 a. A warrant may be issued by the magistrate pursuant to
15 this subsection by physically signing a printed copy
16 of the affidavit and proposed warrant and transmitting
17 ~~said~~ such documents back to the affiant by electronic
18 mail or other electronic communication. The printed
19 copy received by the affiant shall constitute a search
20 warrant and be executed as such. After execution, the
21 search warrant shall be filed along with the printed
22 copy of the affidavit received by the affiant, as
23 provided for in Section 1233 of this title.
24

1 b. A magistrate may also issue a warrant pursuant to this
2 paragraph without printing and signing a physical copy
3 of the affidavit and warrant by return electronic
4 communication to the affiant authorizing issuance of
5 the warrant as submitted, or as modified by the
6 magistrate, provided a copy of the modified document
7 is included with the return electronic communication
8 to the affiant.

9 C. A search warrant authorized by this section may be issued by
10 any magistrate for a search of a person or property within the
11 judicial district in which the magistrate presides or outside the
12 judicial district if there was probable cause to believe the
13 property was within the judicial district when the warrant was
14 sought, but moved outside the judicial district before the warrant
15 was executed.

16 SECTION 4. AMENDATORY 22 O.S. 2021, Section 1226, is
17 amended to read as follows:

18 Section 1226. The warrant must be in substantially the
19 following form:

20 County of _____

21 In the name of the State of Oklahoma. To any peace officer of
22 this state.

23 Probable cause having been shown on this date before me, by
24 (name every officer and person who has made affidavit or given oral

1 testimony supplementing an affidavit) for believing the following
2 property (describe the property) or person for whom an arrest
3 warrant has been issued (describe the person and the court from
4 which the arrest warrant has been issued) is located at (specify the
5 location where the property is shown to be).

6 You are therefore commanded, in the daytime (or "at any time of
7 the day or night," as the case may be, according to Section 1230, as
8 amended, of Title 22 of the Oklahoma Statutes), to make immediate
9 search on the person of C.D. (or "in the house situated," describing
10 it, or any other place to be searched, with reasonable
11 particularity, as the case may be), for the following property
12 (describing it with reasonable particularity) or person for whom an
13 arrest warrant has been issued (describe the person and the court
14 from which the arrest warrant has been issued), and if you find the
15 same, or any part thereof, to bring it forthwith before me, at
16 (stating the place) or before a magistrate who presides in the
17 judicial district in which the property or person was found and
18 seized.

19 Dated at _____ the _____ day of _____, 19
20 20__.

21 _____
22 (Signature of Judge)

23 _____
24 (Judge's Official Designation)

1 SECTION 5. AMENDATORY 22 O.S. 2021, Section 1230, is
2 amended to read as follows:

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

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

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

10 3. The affidavits ~~be~~ are positive that the property is on the
11 person, or in the place to be searched and the judge finds that
12 there is likelihood that the property named in the search warrant
13 will be destroyed, moved or concealed; or

14 4. The search to be performed is a search for evidence relating
15 to the illegal manufacture of methamphetamine or other controlled
16 dangerous substance.

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

22 SECTION 6. AMENDATORY 22 O.S. 2021, Section 1233, is
23 amended to read as follows:
24

1 Section 1233. A. Any peace officer who executes a search
2 warrant must forthwith return the warrant to the magistrate who
3 authorized the warrant or to a magistrate who presides in the
4 judicial district in which the property was found and seized
5 together with a written inventory of the property taken, which shall
6 be made publicly, or in the presence of the person from whose
7 possession it was taken and of the applicant for the warrant, if
8 they ~~be~~ are present, verified by the affidavit of the officer, and
9 taken before the magistrate, to the following effect:

10 I, A. B., the officer by whom this warrant was executed, do
11 swear that the above inventory contains a true and detailed account
12 of all the property taken by me on the warrant.

13 B. Any peace officer who executes a search warrant to search a
14 third-party residence for a person with an outstanding warrant must
15 forthwith return the search warrant to the magistrate who authorized
16 the warrant or to a magistrate who presides in the judicial district
17 in which the person was found by filing an arrest and booking
18 affidavit or by filing a separate return identifying the person and
19 the location where the person was found, verified by the affidavit
20 of the officer, and taken before the magistrate, to the following
21 effect:

22 I, A. B., the officer by whom this warrant was executed, do
23 swear that the above contains the true name and location of arrest
24 for the person arrested by me pursuant to the warrant.

SECTION 7. This act shall become effective November 1, 2024.

59-2-3529 TEK 2/29/2024 11:48:28 AM