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February 6, 2024

**AS AMENDED**

SENATE BILL NO. 1660

By: Weaver

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[ search warrants - effective date ]
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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 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 property" or "property" shall mean items and information that can be analyzed, seen, weighed, measured, felt or touched or that are in any other manner perceptible to the senses.

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

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

1 First: When the property was stolen or embezzled, in which case  
2 it may be taken on the warrant, from any house or other place in  
3 which it is concealed, or from the possession of the person by whom  
4 it was stolen or embezzled, or of any other person in whose  
5 possession it may be.

6 Second: When it was used as the means of committing a felony,  
7 in which case it may be taken on the warrant from any house or other  
8 place in which it is concealed, or from the possession of the person  
9 by whom it was used in the commission of the offense, or of any  
10 other person in whose possession it may be.

11 Third: When it is in the possession of any person, with the  
12 intent to use it as the means of committing a public offense, or in  
13 the possession of another to whom the person may have delivered it  
14 for the purpose of concealing it or preventing its being discovered,  
15 in which case it may be taken on the warrant from such person, or  
16 from a house or other place occupied by the person, or under the  
17 person's control, or from the possession of the person to whom the  
18 person may have so delivered it.

19 Fourth: When the property constitutes evidence that an offense  
20 was committed or that a particular person participated in the  
21 commission of an offense.

22 Fifth: When there is probable cause to believe that, at a  
23 future time, the property or items sought which are intended to be  
24 used to commit a public offense, will be located at a particular

1 place. Under such circumstances, the magistrate shall insert a  
2 direction in the search warrant making execution of the warrant  
3 contingent upon the happening of an event which evidences probable  
4 cause that the item to be seized is in the place to be searched.

5 Sixth: As authorized by any provision of the Security of  
6 Communications Act.

7 B. A search warrant may be issued to allow peace officers to  
8 enter and search a residence in order to seize a person for whom an  
9 arrest warrant has been issued in cases where the residence to be  
10 searched is not the residence of the person for whom the warrant has  
11 been issued.

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

14 Section 1225. A. If a magistrate ~~be thereupon~~ is satisfied of  
15 the existence of grounds of the application, or that there is  
16 probable cause to believe their existence, ~~he must~~ the magistrate  
17 shall issue a search warrant, signed by ~~him,~~ the magistrate with ~~his~~  
18 the name of office, to a peace officer of this state, commanding ~~him~~  
19 ~~forthwith~~ the officer to search the person or place named, for the  
20 property or person specified, and to bring it before the magistrate,  
21 and also to arrest the person in whose possession the ~~same~~ property  
22 may be found, to be dealt with according to law.

23 B. In addition to any other procedure authorized by law, a  
24 proposed search warrant, affidavit or both search warrant and

1 affidavit may be communicated to the magistrate by telephone or by  
2 electronic mail or any similar electronic communication which  
3 delivers a complete printable image of the warrant or affidavit.

4 1. If the proposed search warrant is communicated  
5 telephonically, the affiant shall:

- 6 a. recite information establishing probable cause to  
7 support issuance of the search warrant, and
- 8 b. recite the proposed search warrant to the magistrate  
9 verbatim and obtain the oral permission of the  
10 magistrate to print the name of the magistrate on the  
11 search warrant along with the date and time of the  
12 signature.

13 The oral recorded authorization of the magistrate to print the  
14 name of the magistrate on the search warrant shall constitute  
15 issuance of the search warrant under this section. The conversation  
16 establishing probable cause, reciting the contents of the search  
17 warrant verbatim and any authorization to sign by the magistrate  
18 shall be audio-recorded, transcribed and filed together with the  
19 warrant in accordance with Section 1223.1 of this title.

20 2. If communication of the proposed affidavit is made by  
21 electronic mail or other electronic communication, the affidavit may  
22 contain a notarized acknowledgement or the affiant may swear to the  
23 affidavit by telephone. A magistrate administering an oath  
24

1 telephonically shall endorse upon the face of the affidavit the date  
2 and time which the affiant undertook the oath by telephone.

3           a.    A warrant may be issued by the magistrate pursuant to  
4                   this subsection by physically signing a printed copy  
5                   of the affidavit and proposed warrant and transmitting  
6                   said documents back to the affiant by electronic mail  
7                   or other electronic communication. The printed copy  
8                   received by the affiant shall constitute a search  
9                   warrant and be executed as such. After execution, the  
10                  search warrant shall be filed along with the printed  
11                  copy of the affidavit received by the affiant, as  
12                  provided for in Section 1233 of this title.

13           b.    A magistrate may also issue a warrant pursuant to this  
14                   paragraph without printing and signing a physical copy  
15                   of the affidavit and warrant by return electronic  
16                   communication to the affiant authorizing issuance of  
17                   the warrant as submitted, or as modified by the  
18                   magistrate, provided a copy of the modified document  
19                   is included with the return electronic communication  
20                   to the affiant.

21           C.    A search warrant authorized by this section may be issued by  
22                   any magistrate for a search of a person or property within the  
23                   judicial district in which the magistrate presides or outside the  
24                   judicial district if there was probable cause to believe the

1 property was within the judicial district when the warrant was  
2 sought, but moved outside the judicial district before the warrant  
3 was executed.

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

6 Section 1226. The warrant must be in substantially the  
7 following form:

8 County of \_\_\_\_\_

9 In the name of the State of Oklahoma. To any peace officer of  
10 this state.

11 Probable cause having been shown on this date before me, by  
12 (name every officer and person who has made affidavit or given oral  
13 testimony supplementing an affidavit) for believing the following  
14 property (describe the property) or person for whom an arrest  
15 warrant has been issued (describe the person and the court from  
16 which the arrest warrant has been issued) is located at (specify the  
17 location where the property is shown to be).

18 You are therefore commanded, in the daytime (or "at any time of  
19 the day or night," as the case may be, according to Section 1230, as  
20 amended, of Title 22 of the Oklahoma Statutes), to make immediate  
21 search on the person of C.D. (or "in the house situated," describing  
22 it, or any other place to be searched, with reasonable  
23 particularity, as the case may be), for the following property  
24 (describing it with reasonable particularity) or person for whom an

1 arrest warrant has been issued (describe the person and the court  
2 from which the arrest warrant has been issued), and if you find the  
3 same, or any part thereof to bring it forthwith before me, at  
4 (stating the place) or before a magistrate who presides in the  
5 judicial district in which the property or person was found and  
6 seized.

7 Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, ~~19~~  
8 20\_\_\_\_\_.

9 \_\_\_\_\_  
10 (Signature of Judge)

11 \_\_\_\_\_  
12 (Judge's Official Designation)

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

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

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

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

22 3. The affidavits be positive that the property is on the  
23 person, or in the place to be searched and the judge finds that  
24

1 there is likelihood that the property named in the search warrant  
2 will be destroyed, moved or concealed; or

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

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

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

13 Section 1233. A. Any peace officer who executes a search  
14 warrant must forthwith return the warrant to the magistrate who  
15 authorized the warrant or to a magistrate who presides in the  
16 judicial district in which the property was found and seized  
17 together with a written inventory of the property taken, which shall  
18 be made publicly, or in the presence of the person from whose  
19 possession it was taken and of the applicant for the warrant, if  
20 they be present, verified by the affidavit of the officer, and taken  
21 before the magistrate, to the following effect:

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



1        B. Any peace officer who executes a search warrant to search a  
2 third-party residence for a person with an outstanding warrant must  
3 forthwith return the search warrant to the magistrate who authorized  
4 the warrant or to a magistrate who presides in the judicial district  
5 in which the person was found by filing an arrest and booking  
6 affidavit or by filing a separate return identifying the person and  
7 the location where the person was found, verified by the affidavit  
8 of the officer, and taken before the magistrate, to the following  
9 effect:

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

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

14        COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
15        February 6, 2024 - DO PASS AS AMENDED  
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