

ASSEMBLY BILL

No. 182

Introduced by Assembly Member Benoit

January 24, 2005

An act to amend Section 1529 of the Penal Code, relating to search warrants.

LEGISLATIVE COUNSEL'S DIGEST

AB 182, as introduced, Benoit. Search warrants: individuals authorized to serve.

Existing law provides that investigators or inspectors employed in that capacity by the office of a district attorney are peace officers. Existing law also provides that a search warrant is an order, in writing, directed to a peace officer. Existing law also provides the form which a search warrant is required to follow, and provides that the warrant is to any sheriff, marshal, or police officer, but does not specifically mention peace officer.

This bill would conform the provisions specifying the form of a search warrant to the provisions specifying that a search warrant is directed to a peace officer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1529 of the Penal Code is amended to
2 read:
3 1529. The warrant shall be in substantially the following
4 form:
5

1 County of ____.

2 The people of the State of California to any ~~sheriff, marshal, or~~
3 ~~police officer~~ *peace officer* in the County of ____:

4 Proof, by affidavit, having been this day made before me by
5 (naming every person whose affidavit has been taken), that
6 (stating the grounds of the application, according to Section
7 1524, or, if the affidavit be not positive, that there is probable
8 cause for believing that ____ stating the ground of the
9 application in the same manner), you are therefore commanded,
10 in the daytime (or at any time of the day or night, as the case may
11 be, according to Section 1533), to make search on the person of
12 C. D. (or in the house situated ____, describing it, or any other
13 place to be searched, with reasonable particularity, as the case
14 may be) for the following property, thing, things, or person:
15 (describing the property, thing, things, or person with reasonable
16 particularity); and, in the case of a thing or things or personal
17 property, if you find the same or any part thereof, to bring the
18 thing or things or personal property forthwith before me (or this
19 court) at (stating the place).

20 Given under my hand, and dated this ____ day of ____, A.D.
21 (year).

22 E. F., Judge of the (applicable) Court.

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