

Assembly Bill No. 182

CHAPTER 181

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

[Approved by Governor September 6, 2005. Filed with
Secretary of State September 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 182, 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.

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

SECTION 1. Section 1529 of the Penal Code is amended to read:

1529. The warrant shall be in substantially the following form:

County of _____.

The people of the State of California to any peace officer in the County of _____:

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

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

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

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