

1 HB25
2 172826-1
3 By Representative Hanes
4 RFD: Judiciary
5 First Read: 02-FEB-16
6 PFD: 01/29/2016

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8 SYNOPSIS: Under existing law, a search warrant to
9 seize property is required to be executed in the
10 daytime unless the affidavit states positively that
11 the property is on the person or in the place to be
12 searched.

13 This bill would authorize a search warrant
14 to seize property to be executed at any time.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 To amend Section 15-5-8 of the Code of Alabama 1975,
21 relating to the execution of search warrants, to authorize
22 search warrants to be executed at any time.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 15-5-8 of the Code of Alabama
25 1975, is amended to read as follows:

26 "§15-5-8.

1 "In cases in which ~~the~~ property is to be seized ~~does~~
2 ~~not include a controlled substance,~~ a search warrant ~~must be~~
3 ~~executed in the daytime unless the affidavits state positively~~
4 ~~that the property is on the person or in the place to be~~
5 ~~searched,~~ in which case it may be executed at any time of the
6 day or night. ~~Except in cases in which the property to be~~
7 ~~seized includes a controlled substance, the issuing judge or~~
8 ~~magistrate must state in the warrant, according to the~~
9 ~~character of the affidavits, whether it is to be executed by~~
10 ~~day or at any time of the day or night. In cases in which the~~
11 ~~property to be seized includes a controlled substance, a~~
12 ~~warrant may be executed at any time of the day or night."~~

13 Section 2. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.