

SENATE BILL REPORT

SHB 2752

As of February 12, 2018

Title: An act relating to issuance of search warrants by district and municipal court judges.

Brief Description: Concerning issuance of search warrants by district and municipal court judges.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Stanford and Kloba).

Brief History: Passed House: 1/29/18, 95-0.

Committee Activity: Law & Justice: 2/07/18.

Brief Summary of First Substitute Bill

- Authorizes a municipal court or district court judge, serving in a court with jurisdiction over all or parts of multiple counties, to issue a search warrant related to an alleged crime occurring in any of the counties within the court's jurisdiction.
- Authorizes execution of these search warrants anywhere within the state.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: Generally, law enforcement may conduct a search or seizure only pursuant to a warrant based on probable cause, although there are narrow exceptions. A search warrant is a court order issued in writing or on the telephone by a neutral and detached magistrate. Under the criminal court rules, a peace officer or a prosecuting attorney may request a court to issue a search warrant for the following:

- evidence of a crime;
- contraband, or things criminally possessed;
- weapons or other means of committing a crime that has been committed or reasonably appears about to be committed; or
- a person, when there is probably cause for arrest, or they are unlawfully restrained.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The warrant must specifically describe the place or person the officers propose to search and the crime investigated. The search warrant applicant must provide a sworn statement establishing the grounds for the warrant. The court determines whether there is probable cause to issue a warrant based on evidence presented to support it. The court must preserve the evidence supporting the warrant for the court record. The state law mirrors the court rule's procedures.

A magistrate is an officer empowered to issue arrest warrants. Magistrates include state supreme court justices, judges of the courts of appeal, superior courts, and district courts. Magistrates also include all municipal officers authorized to exercise the powers and perform the duties of district judges.

Until 2014, district and municipal court judges could only authorize warrants for execution within the district and municipal courts' jurisdiction. The law changed in 2014 allowing any district or municipal court judge serving in the county where the alleged crime occurred to issue a warrant executable statewide.

Summary of Bill: When a district or municipal court has jurisdiction over all or parts of more than one county, and a crime is alleged to have been committed in any of the counties within the court's jurisdiction, the judge may issue a search warrant for a person or evidence located anywhere within the state.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: None.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

Persons Signed In To Testify But Not Testifying: PRO: Melanie Stewart, District and Municipal Judges Association.