

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1428

State and Local Government Committee Substitute Adopted 6/12/00

Short Title: Durham Admin. Search Warrants.

(Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO AUTHORIZE ADMINISTRATIVE SEARCH WARRANTS TO BE SERVED AT HOURS OTHER THAN BETWEEN 8:00 A.M. AND 8:00 P.M. WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ACTIVITY THAT JUSTIFIES THE ADMINISTRATIVE SEARCH WARRANT WILL OCCUR AT OTHER HOURS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-27.2(e) reads as rewritten:

"(e) Any warrant issued under this section for a search or inspection shall be valid for only 24 hours after its issuance, must be personally served upon the owner or possessor of the property between the hours of 8:00 A.M. and 8:00 P.M. and must be returned within 48 hours. However, if there is probable cause to believe that the condition, object, activity, or circumstance that legally justifies the search or inspection is occurring or will occur while there is business being conducted on the premises at times other than between the hours of 8:00 A.M. and 8:00 P.M., then the warrant, if issued at the request of a local government, or an officer of that local government, may authorize the search or inspection to be made during times in addition to the hours between 8:00 A.M. and 8:00 P.M., in which case the times during which the search or inspection may

1 occur shall be specifically set out on the face of the warrant. If the warrant, however, was
2 procured pursuant to an investigation authorized by G.S. 58-79-1, the warrant may be
3 executed at any hour, is valid for 48 hours after its issuance, and must be returned without
4 unnecessary delay after its execution or after the expiration of the 48 hour period if it is
5 not executed. If the owner or possessor of the property is not present on the property at
6 the time of the search or inspection and reasonable efforts to locate the owner or
7 possessor have been made and have failed, the warrant or a copy thereof may be affixed
8 to the property and shall have the same effect as if served personally upon the owner or
9 possessor."

10 Section 2. This act applies to the City of Durham only.

11 Section 3. This act becomes effective July 1, 2000.