

2012 -- H 7847

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL PROCEDURE - SEARCH WARRANTS

Introduced By: Representatives O'Neill, Lally, Ucci, Johnston, and Winfield

Date Introduced: February 28, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-5-3 of the General Laws in Chapter 12-5 entitled "Search  
2 Warrants" is hereby amended to read as follows:

3 **12-5-3. Issuance and contents.** -- (a) A warrant shall issue only upon complaint in  
4 writing, under oath of:

5 (1) A chief of police, deputy chief of police or other members of the police force of any  
6 city or town, sheriff, or deputy sheriff of any county, member of the division of state police, full  
7 time conservation officer of the department of environmental management, or other person  
8 specifically authorized by law to bring complaints for violation of the law which it is his or her  
9 responsibility to enforce;

10 (2) Additionally, in the case of property stolen, embezzled, or obtained by fraud or false  
11 pretenses, any person who has a right to the possession of the property.

12 (3) Additionally, a sworn law enforcement member of any city or town where that  
13 member is serving on a statewide task force.

14 (b) Within fourteen (14) days of the issuance of any warrant under this chapter, whether  
15 or not executed, the warrant, accompanied by any supporting affidavits and an inventory of any  
16 property seized, shall be returned to the district court having jurisdiction over the place of the  
17 search or, in the event of a warrant that is not executed, the court from which it was issued. The  
18 returns shall be maintained by the district court according to the date of issuance. If not otherwise  
19 indicated, the return shall note whether the warrant was executed.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would enable a member of law enforcement serving on a statewide task force to
- 2   obtain a warrant based upon his complaint to a qualified law enforcement officer.
- 3           This act would take effect upon passage.

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