

23-20-28 Search warrants.

- (1) A search warrant may be issued by a magistrate to search for any property which may constitute evidence of any violation of the provisions of this code, rules, regulations, or proclamations of the Wildlife Board upon an affidavit of any person.
- (2) The search warrant shall be directed to a conservation officer or a peace officer, directing the officer to search for evidence and to bring it before the magistrate.
- (3) A search warrant may not be issued except upon probable cause supported by oath or affirmation, particularly describing the place, person, or thing to be searched for and the person or thing to be seized.
- (4) The warrant shall be served in the daytime, unless there is reason to believe that the service of the search warrant is required immediately because a person may:
 - (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;
 - (b) destroy or conceal evidence of the commission of any violation; or
 - (c) injure another person or damage property.
- (5) The search warrant may be served at night if:
 - (a) there is reason to believe that a violation may occur at night; or
 - (b) the evidence of the violation may not be available to the officers serving the warrant during the day.

Amended by Chapter 297, 2011 General Session