

**SEARCH WARRANT AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: V. Lowry Snow**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Code of Criminal Procedure regarding items obtained by a search warrant.

**Highlighted Provisions:**

This bill:

- ▶ authorizes an officer who obtains items pursuant to a search warrant to return the items if they are determined to not be relevant to the investigation;
- ▶ requires that the officer retain the items if they are subject to discovery by the defendant;
- ▶ requires an itemized receipt for all items returned; and
- ▶ provides under state records provisions that items that are returned under this provision are presumed to not have historical or evidentiary value.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**77-23-215**, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **77-23-215** is enacted to read:

30 **77-23-215. Return of documents, materials, and objects obtained through use of a**  
31 **search warrant.**

32 (1) (a) If the officer who executes a search warrant subsequently determines that  
33 documents, materials, or objects seized are not relevant to the investigation for which the  
34 warrant was issued, the officer may return those documents, materials, or objects to the person  
35 or entity from whom they were seized.

36 (b) If a document, material, or object seized may be subject to discovery by the defense  
37 pursuant to Utah Rules of Criminal Procedure, Rule 16(a)(3) or (4), the document, material, or  
38 object is not considered irrelevant and may not be returned without a court order.

39 (2) (a) The officer under Subsection (1) shall obtain a receipt for the documents,  
40 materials, or objects that are returned, and shall file with a magistrate of the issuing court an  
41 amended return of warrant and inventory that reflects the returned items.

42 (b) The receipt shall identify specifically which documents, materials, or objects were  
43 returned.

44 (3) (a) Documents and materials returned under this section are not records as defined  
45 by Subsection [63G-2-103\(22\)\(a\)](#).

46 (b) Objects returned under this section are presumed to not have historical or  
47 evidentiary value and are not subject to a retention schedule under Subsection [63A-12-103\(10\)](#).

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**Legislative Review Note**

**as of 2-9-15 2:49 PM**

**Office of Legislative Research and General Counsel**