

## HB0392S01 compared with HB0392

~~deleted text~~ shows text that was in HB0392 but was deleted in HB0392S01.

Inserted text shows text that was not in HB0392 but was inserted into HB0392S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Brian M. Greene proposes the following substitute bill:

### SEARCH AND SEIZURE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian M. Greene**

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

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#### LONG TITLE

##### General Description:

This bill amends the Utah Code of Criminal Procedure relating to property seized during an unlawful stop.

##### Highlighted Provisions:

This bill:

- ▶ defines the term "contraband"; and
- ▶ establishes circumstances under which property seized by a peace officer during an unlawful stop is inadmissible as evidence.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

None

## HB0392S01 compared with HB0392

### Utah Code Sections Affected:

ENACTS:

77-7-27, Utah Code Annotated 1953

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

Section 1. Section 77-7-27 is enacted to read:

**77-7-27. Property seized from unlawful search inadmissible.**

(1) As used in this section, "contraband" means the same as that term is defined in Section 76-10-2801.

(~~1~~2) Property seized by a peace officer is inadmissible as evidence in any proceeding if the peace officer:

(a) unlawfully stops or seizes an individual;

(b) discovers an outstanding warrant for the individual's arrest during the unlawful stop or seizure, **based on the peace officer's own actions and not a voluntary admission or act by the individual;**

(c) arrests the individual pursuant to the outstanding warrant;

(d) conducts a search incident to the arrest; and

(e) seizes property discovered during the search.

(~~2~~3) An individual whose property was seized in violation of Subsection (~~1~~2) may move the court for the return of the property on the ground that the property was seized in violation of Subsection (~~1~~2), **unless the property is contraband.**

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**Legislative Review Note**

**Office of Legislative Research and General Counsel†**