

1 SB449  
2 130330-1  
3 By Senators Taylor, Ward, Beasley, Scofield and Marsh  
4 RFD: Judiciary  
5 First Read: 26-APR-11

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8 SYNOPSIS: Under existing law, magistrates, municipal  
9 judges, and district and circuit court judges are  
10 authorized to issue search warrants pursuant to the  
11 Alabama Rules of Criminal Procedure. There are no  
12 provisions allowing an appellate judge to issue a  
13 criminal search warrant.

14 This bill would authorize a justice of the  
15 Alabama Supreme Court and a judge of the Court of  
16 Civil Appeals or the Court of Criminal Appeals to  
17 issue criminal search warrants.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 Relating to search warrants; to amend Section  
24 15-5-1, Code of Alabama 1975, to specify who may issue search  
25 warrants.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 15-5-1, Code of Alabama 1975, is  
2 amended to read as follows:

3           "§15-5-1.

4           "(a) A "search warrant" is an order in writing in  
5 the name of the state signed by a justice, judge, or by a  
6 magistrate authorized by law to issue search warrants, and  
7 directed to the sheriff or to any constable of the county,  
8 commanding him or her to search for personal property and  
9 bring it before the court issuing the warrant.

10           "(b) A search warrant authorized by law may be  
11 issued by any of the following:

12           "(1) A magistrate who is authorized to practice law  
13 in this state.

14           "(2) A municipal judge, if the search is to be  
15 conducted within the police jurisdiction of the municipality.

16           "(3) A district judge within the county.

17           "(4) A circuit judge within the judge's circuit.

18           "(5) An appellate judge."

19           Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.