

SEARCH AND SEIZURE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

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:

▶ 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

Utah Code Sections Affected:

ENACTS:

77-7-27, Utah Code Annotated 1953

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



- 28 (a) unlawfully stops or seizes an individual;
- 29 (b) discovers an outstanding warrant for the individual's arrest during the unlawful stop
- 30 or seizure;
- 31 (c) arrests the individual pursuant to the outstanding warrant;
- 32 (d) conducts a search incident to the arrest; and
- 33 (e) seizes property discovered during the search.
- 34 (2) An individual whose property was seized in violation of Subsection (1) may move
- 35 the court for the return of the property on the ground that the property was seized in violation
- 36 of Subsection (1).

Legislative Review Note
Office of Legislative Research and General Counsel