

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: _____

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

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:



26 77-7-27. Property seized from unlawful search inadmissible.

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

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

31 (a) unlawfully stops or seizes an individual;

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

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

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

37 (e) seizes property discovered during the search.

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