

HOUSE BILL No. 2842

By Representative Burroughs

2-12

AN ACT relating to criminal procedure; concerning search and administrative warrants; establishing how search and administrative warrants may be issued in violation of health, safety, building or animal cruelty laws or ordinances.

Be it enacted by the Legislature of the State of Kansas:

Section 1. In addition to other warrants provided by K.S.A. 22-2501 *et seq.*, and amendments thereto, magistrates, upon showing of probable cause to believe a state, county or municipal law or ordinance has been violated in relation to health, safety, building or animal cruelty, may issue a warrant for the purpose of obtaining evidence of a violation. Warrants may be obtained from a magistrate upon request of a law enforcement official of the state and state, county, municipal health, fire, building and animal control personnel only after approval by a district attorney or county attorney. A search warrant issued under this section shall be directed to any law enforcement official of the state within the county where the warrant is to be executed, who shall serve the same. Other concerned personnel may accompany the officer.

Sec. 2. (a) Property or evidence seized pursuant to a search warrant may not be suppressed at a motion, trial or other proceeding, unless the unlawful conduct of the law enforcement officer is shown to be substantial.

(b) Any unlawful search or seizure shall be considered substantial and in bad faith if the warrant was obtained with malicious purpose and without probable cause or was executed maliciously and willfully beyond the authority of the warrant or with unnecessary severity.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.