



House of Representatives

General Assembly

File No. 408

February Session, 2002

House Bill No. 5521

House of Representatives, April 9, 2002

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING SEARCH WARRANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-33a of the general statutes, as amended by
2 section 2 of public act 01-72, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) As used in sections 54-33a to 54-33g, inclusive, as amended,
5 "property" includes, without limitation, documents, books, papers,
6 films, recordings and any other tangible thing.

7 (b) Upon complaint on oath by any state's attorney or assistant
8 state's attorney or by any two credible persons, to any judge of the
9 Superior Court or judge trial referee, that such state's attorney or
10 assistant state's attorney or such persons have probable cause to
11 believe that any property (1) possessed, controlled, designed or
12 intended for use or which is or has been used or which may be used as
13 the means of committing any criminal offense; or (2) which was stolen

14 or embezzled; or (3) which constitutes evidence of an offense, or that a
 15 particular person participated in the commission of an offense, is
 16 within or upon any place, thing or person, such judge or judge trial
 17 referee, except as provided in section 54-33j, may issue a warrant
 18 commanding a proper officer to enter into or upon such place or thing,
 19 search the same or the person and take into such officer's custody all
 20 such property named in the warrant.

21 (c) A warrant may issue only on affidavit sworn to by the
 22 complainant or complainants before the judge or judge trial referee
 23 and establishing the grounds for issuing the warrant, which affidavit
 24 shall be part of the arrest file. If the judge or judge trial referee is
 25 satisfied that grounds for the application exist or that there is probable
 26 cause to believe that they exist, the judge or judge trial referee shall
 27 issue a warrant identifying the property and naming or describing the
 28 person, place or thing to be searched. The warrant shall be directed to
 29 any police officer of a regularly organized police department or any
 30 state [policeman] police officer, to an inspector in the Division of
 31 Criminal Justice or to a conservation officer, special conservation
 32 officer or patrolman acting pursuant to section 26-6. The warrant shall
 33 state the date and time of its issuance and the grounds or probable
 34 cause for its issuance and shall command the officer to search within a
 35 reasonable time the person, place or thing named, for the property
 36 specified. The inadvertent failure of the issuing judge or judge trial
 37 referee to state on the warrant the time of its issuance shall not in and
 38 of itself invalidate the warrant.

This act shall take effect as follows:	
Section 1	October 1, 2002

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Savings	Public Safety, Dept.	None	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Effect	Municipalities	Current FY \$	FY 03 \$	FY 04 \$
Savings	Local Police Departments	None	Minimal	Minimal

Explanation

The bill permits inspectors of the Division of Criminal Justice (DCJ) to serve and execute search warrants. Currently, DCJ inspectors serve and execute warrants accompanied by state or local police officers. Under the bill, it is anticipated that this current practice would still continue in most cases. Consequently, any savings to state and local police due to DCJ inspectors independently serving warrants would be minimal.

OLR Bill Analysis

HB 5521

AN ACT CONCERNING SEARCH WARRANTS

SUMMARY:

This bill gives Division of Criminal Justice inspectors the authority to serve search warrants. Under current law, state and local police officers and conservation officers, special conservation officers, and patrolmen enforcing certain environmental laws can serve warrants.

The division's inspectors are appointed by the chief state's attorney or a state's attorney to investigate criminal offenses.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0