

LEGISLATIVE BILL 267

Approved by the Governor March 1, 1989

Introduced by Abboud, 12; Kristensen, 37

AN ACT relating to search warrants; to amend section 29-814.04, Reissue Revised Statutes of Nebraska, 1943; to define the term daytime; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 29-814.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-814.04. If the magistrate or judge is satisfied that probable cause exists for the issuance of a search warrant, as a result of written affidavit or oral statement authorized pursuant to sections 29-814.01 and 29-814.02, the magistrate or judge shall issue the warrant which shall identify the person or place to be searched and the person or property to be seized. The warrant shall be directed to a law enforcement officer of the State of Nebraska, or one of its governmental subdivisions, which officer shall be specifically named or described by the title of his or her office in the warrant. The warrant shall state whether the grounds or proper cause of its issuance is a written affidavit, an oral statement, or a combination of both. The warrant shall indicate the name or names of the person or persons whose affidavit or statement has been taken in support thereof. The warrant shall command the officer named in the warrant to search the person or place named for the purpose specified. The warrant shall direct that it be served in the daytime unless the magistrate or judge is satisfied that the public interest requires that it should not be so restricted, in which case the warrant may direct that it may be served at any time. The warrant shall designate the magistrate or judge to whom it shall be returned. For purposes of this section, daytime shall mean the hours from 7:00 a.m. to 8:00 p.m. according to local time.

Sec. 2. That original section 29-814.04, Reissue Revised Statutes of Nebraska, 1943, is repealed.