

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1346*

Short Title: Adm. Search Warrants/When Served.

(Public)

Sponsors: Representatives Tolson; Culp, Locke, Mitchell, Nichols, and Weatherly.

Referred to: Judiciary I.

May 24, 1996

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE ADMINISTRATIVE SEARCH WARRANTS TO BE
2 SERVED AT HOURS OTHER THAN BETWEEN 8:00 A.M. AND 8:00 P.M.
3 WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ACTIVITY
4 THAT JUSTIFIES THE ADMINISTRATIVE SEARCH WARRANT WILL OCCUR
5 AT OTHER HOURS, AS RECOMMENDED BY THE ENVIRONMENTAL
6 REVIEW COMMISSION.
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 143-27.2(e) reads as rewritten:

10 "(e) Any warrant issued under this section for a search or inspection shall be valid
11 for only 24 hours after its issuance, must be personally served upon the owner or
12 possessor of the property between the hours of 8:00 A.M. and 8:00 P.M. and must be
13 returned within 48 hours. However if there is probable cause to believe that the
14 condition, object, activity, or circumstance that legally justifies the search or inspection is
15 occurring or will occur at times other than between the hours of 8:00 A.M. and 8:00
16 P.M., then the warrant may authorize the search or inspection to be made during times in
17 addition to the hours between 8:00 A.M. and 8:00 P.M., in which case the times during
18 which the search or inspection may occur shall be specifically set out on the face of the
19 warrant. If the warrant, however, was procured pursuant to an investigation authorized
20 by G.S. 58-79-1, the warrant may be executed at any hour, is valid for 48 hours after its

1 issuance, and must be returned without unnecessary delay after its execution or after the
2 expiration of the 48 hour period if it is not executed. If the owner or possessor of the
3 property is not present on the property at the time of the search or inspection and
4 reasonable efforts to locate the owner or possessor have been made and have failed, the
5 warrant or a copy thereof may be affixed to the property and shall have the same effect as
6 if served personally upon the owner or possessor."

7 Sec. 2. This act becomes effective 1 October 1996.