1   A bill to be entitled

2   An act relating to search warrants; amending s.

3   933.01, F.S.; specifying that a search warrant may be

4   issued by a judge with territorial jurisdiction where

5   the place, vehicle, or thing to be searched may be;

6   authorizing search warrants for a person's DNA or DNA

7   samples; providing for issuance of such warrants by

8   certain judges; amending s. 933.02, F.S.; authorizing

9   the issuance of search warrants for DNA collection and

10   analysis and for blood analysis in connection with

11   investigation or prosecution of specified offenses;

12   amending s. 933.05, F.S.; providing an exemption from

13   the time limits for execution and return of search

14   warrants for warrants authorizing the collection and

15   analysis of DNA or DNA samples; providing an effective

16   date.

17

18   Be It Enacted by the Legislature of the State of Florida:

19

20   Section 1. Section 933.01, Florida Statutes, is amended to

21   read:

22   933.01 Persons competent to issue search warrant.—

23   (1) A search warrant authorized by law may be issued by

24   any judge, including the committing judge of the trial court

25   having territorial jurisdiction where the place, vehicle, or

26   thing to be searched may be.

hb0485-00

27   (2)(a) In addition to any other warrant authorized by law,
28   a search warrant may be issued to obtain and analyze a person's
29   DNA or DNA sample. For purposes of this subsection, the terms
30   "DNA" and "DNA sample" have the same meanings as provided in s.
31   943.325.
32   (b) Subsection (1) notwithstanding, a search warrant under
33   this subsection may also be issued by any judge having
34   territorial jurisdiction where any element of the offense to
35   which it relates occurred.
36   Section 2. Subsections (6) and (7) are added to section
37   933.02, Florida Statutes, to read:
38   933.02 Grounds for issuance of search warrant.—Upon proper
39   affidavits being made, a search warrant may be issued under the
40   provisions of this chapter upon any of the following grounds:
41   (6) When the warrant authorizes collection and analysis of
42   a person's DNA, either for purposes of identifying the person or
43   in furtherance of a criminal prosecution.
44   (7) When the warrant authorizes the collection and
45   analysis of a person's blood in furtherance of any investigation
46   or prosecution under s. 316.193 or s. 327.35.
47
48   This section also applies to any papers or documents used as a
49   means of or in aid of the commission of any offense against the
50   laws of the state.
51   Section 3. Section 933.05, Florida Statutes, is amended to
52   read:

hb0485-00

53   933.05 Issuance in blank <u>and time limits governing</u>

54 <u>execution</u> <s>prohibited</s>.—

55   <u>(1)</u> A search warrant <u>may not</u> <s>cannot</s> be issued except upon

56 probable cause supported by affidavit or affidavits, naming or

57 describing the person, place, or thing to be searched and

58 particularly describing the property or thing to be seized. <u>A</u><s>;</s>

59 <s>no</s> search warrant <u>may not</u> <s>shall</s> be issued in blank. <u>A search</u><s>,</s>

60 <s>and any such</s> warrant shall be <u>executed and</u> returned within 10

61 days after issuance thereof.

62   <u>(2) Subsection (1) notwithstanding, the Legislature finds</u>

63 <u>that DNA evidence collected from a living person does not become</u>

64 <u>stale. Therefore, a search warrant that authorizes the</u>

65 <u>collection and analysis of DNA or DNA sample from a living</u>

66 <u>person may be executed at any time while the person is alive. At</u>

67 <u>any time before execution, the warrant may be returned</u>

68 <u>unexecuted if the judge who issued the warrant, or the law</u>

69 <u>enforcement agency that applied for the warrant, determines that</u>

70 <u>the DNA evidence will not be needed. For purposes of this</u>

71 <u>subsection, the terms "DNA" and "DNA sample" have the same</u>

72 <u>meanings as provided in s. 943.325.</u>

73   Section 4. This act shall take effect July 1, 2016.

hb0485-00