1   **VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

2   *An Act to amend and reenact § 19.2-56 of the Code of Virginia, relating to whom search warrants*
3   *directed.*

4   [S 984]
5   Approved

6   **Be it enacted by the General Assembly of Virginia:**
7   **1. That § 19.2-56 of the Code of Virginia is amended and reenacted as follows:**
8   § 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time
9 of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within
10 fifteen days.
11   The judge, magistrate or other official authorized to issue criminal warrants, shall issue a search
12 warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause
13 for the issuance thereof.
14   Every search warrant shall be directed to (i) the sheriff, sergeant, or any policeman of the county,
15 city or town in which the place to be searched is located, (ii) any law-enforcement officer or agent
16 employed by the Commonwealth and vested with the powers of sheriffs and police, or (iii) jointly to
17 any such sheriff, sergeant, policeman or law-enforcement officer or agent and an agent*, special agent* or
18 officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the
19 United States Treasury*, the United States Naval Criminal Investigative Service* or the Drug Enforcement
20 Administration. The warrant shall (i) name the affiant, (ii) recite the offense in relation to which the
21 search is to be made, (iii) name or describe the place to be searched, (iv) describe the property or
22 person to be searched for, and (v) recite that the magistrate has found probable cause to believe that the
23 property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a
24 person (named or described therein) has committed or is committing a crime.
25   The warrant shall command that the place be forthwith searched, either in day or night, and that the
26 objects or persons described in the warrant, if found there, be seized. An inventory shall be produced
27 before a court having jurisdiction of the offense in relation to which the warrant was issued as provided
28 in § 19.2-57.
29   Any such warrant as provided in this section shall be executed by the policeman or other
30 law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is
31 directed jointly to a sheriff, sergeant, policeman or law-enforcement officer or agent of the
32 Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be
33 executed jointly or by the policeman, law-enforcement officer or agent into whose hands it is delivered.
34 No other person may be permitted to be present during or participate in the execution of a warrant to
35 search a place except (i) the owners and occupants of the place to be searched when permitted to be
36 present by the officer in charge of the conduct of the search and (ii) persons designated by the officer in
37 charge of the conduct of the search to assist or provide expertise in the conduct of the search.
38   Every search warrant shall contain the date and time it was issued. However, the failure of any such
39 search warrant to contain the date and time it was issued shall not render the warrant void, provided that
40 the date and time of issuing of said warrant is established by competent evidence.
41   The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of
42 the affidavit required by § 19.2-54, which shall become a part of the search warrant and served
43 therewith. However, this provision shall not be applicable in any case in which the affidavit is made by
44 means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.
45   Any search warrant not executed within fifteen days after issuance thereof shall be returned to, and
46 voided by, the officer who issued such search warrant.