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SENATE BILL NO. 1307

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 20, 2015)

(Patron Prior to Substitute—Senator Wexton)

A *BILL to amend and reenact § 19.2-53 of the Code of Virginia, relating to search warrants for computers, networks, and other electronic devices.*

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-53 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-53. What may be searched and seized.

A. Search warrants may be issued for the search of or for specified places, things or persons, and seizure therefrom of the following things as specified in the warrant:

(1) 1. Weapons or other objects used in the commission of crime;

(2) 2. Articles or things the sale or possession of which is unlawful;

(3) 3. Stolen property or the fruits of any crime;

(4) 4. Any object, thing, or person, including without limitation, documents, books, papers, records or body fluids, constituting evidence of the commission of crime.

Notwithstanding any other provision in this chapter to the contrary, no search warrant may be issued as a substitute for a witness subpoena.

B. Any search warrant issued for the search and seizure of a computer, computer network, or other device containing electronic or digital information shall be deemed to include the search and seizure of the physical components and the electronic or digital information contained in any such computer, computer network, or other device.

C. Any search, including the search of the contents of any computer, computer network, or other device conducted pursuant to subsection B, may be conducted in any location and is not limited to the location where the evidence was seized.

2. That this act is declaratory of existing law.