HB 895 2017

1 A bill to be entitled 2 An act relating to search warrants; amending s. 3 933.02, F.S.; expanding the grounds for issuance of a search warrant to include blood if it constitutes 4 5 evidence relevant to proving that misdemeanor driving 6 under the influence has been committed; providing that 7 specified rights or privileges do not preclude the 8 issuance of a search warrant for blood in a driving 9 under the influence case which is considered an 10 additional method to secure evidence subsequent to 11 various other methods; authorizing the issuance of a 12 search warrant for blood in a misdemeanor driving under the influence case only after a condition has 13 14 been met; making technical changes; providing an effective date. 15

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

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Section 1. Section 933.02, Florida Statutes, is amended to read:

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933.02 Grounds for issuance of search warrant.—Upon proper affidavits being made, a search warrant may be issued under the provisions of this chapter upon any of the following grounds:

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(1) When the property was shall have been stolen or embezzled in violation of law. \div

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26	(2) When any property was shall have been used:								
27	(a) As a means to commit any crime;								
28	(b) In connection with gambling $\overline{ ext{and}}_{\mathcal{T}}$ gambling implements								
29	and appliances; or								
30	(c) In violation of s. 847.011 or other laws in reference								
31	to obscene prints and literature								
32	(3) When any property, including blood, constitutes								
33	evidence relevant to proving that:								
34	(a) A misdemeanor for driving under the influence has been								
35	committed; or								
36	(b) A felony has been committed.+								
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38	The issuance of a search warrant for blood for driving under the								
39	influence is not precluded by any of the rights or privileges								
40	enumerated under s. 316.1932 and is considered an additional								
41	method to secure evidence subsequent to the breath, urine, or								
42	blood testing that may be required under s. 316.1932. A search								
43	warrant for blood for a misdemeanor driving under the influence								
44	may be requested only after a refusal to submit to testing under								
45	s. 316.1932 has occurred.								
46	(4) When any property is being held or possessed $\underline{\text{in}}$								
47	violation of any of the following:								
48	(a) In violation of any of the Laws prohibiting the								
49	manufacture, sale, and transportation of intoxicating liquors $\underline{\cdot} \div$								
50	(b) In violation of the Fish and game laws.÷								

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	(C)	In	<u>violation</u>	of	the	Laws	relative	to	food	and	drug <u>.</u> ;
or											

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- (d) In violation of the Laws relative to citrus disease pursuant to s. 581.184.; or
- (5) When the laws in relation to cruelty to animals, as provided in chapter 828, have been or are violated in any particular building or place.

This section also applies to any papers or documents used as a means of or in aid of the commission of any offense against the laws of the state.

Section 2. This act shall take effect July 1, 2017.