

## HOUSE BILL No. 2151

By Committee on Judiciary

1-25

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9 AN ACT relating to criminal procedure; concerning search warrants; es-  
10 tablishing how search warrants may be issued in violation of health,  
11 safety, building or animal cruelty laws or ordinances.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. In addition to other warrants provided by K.S.A. 22-2501  
15 et seq., and amendments thereto, magistrates, upon showing of probable  
16 cause to believe a state law, county resolution or municipal ordinance has  
17 been violated in relation to health, safety, building or animal cruelty, may  
18 issue a warrant for the purpose of obtaining evidence of a violation. War-  
19 rants may be obtained from a magistrate upon request of a law enforce-  
20 ment official of the state and state, county, municipal health, fire, building  
21 and animal control personnel only after approval by a district attorney or  
22 county attorney. A search warrant issued under this section shall be di-  
23 rected to any law enforcement official of the state within the county where  
24 the warrant is to be executed, who shall serve the same. Other concerned  
25 personnel may accompany the officer.

26 Sec. 2. (a) Property or evidence seized pursuant to a search warrant  
27 may not be suppressed at a motion, trial or other proceeding, unless the  
28 unlawful conduct of the law enforcement officer is shown to be  
29 substantial.

30 (b) Any unlawful search or seizure shall be considered substantial and  
31 in bad faith if the warrant was obtained with malicious purpose and with-  
32 out probable cause or was executed maliciously and willfully beyond the  
33 authority of the warrant or with unnecessary severity.

34 Sec. 3. This act shall take effect and be in force from and after its  
35 publication in the statute book.