

1 SENATE BILL NO. 444

2 INTRODUCED BY J. TREBAS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL PROCEDURE LAWS;
5 REQUIRING A SEARCH WARRANT TO BE EXHIBITED TO A KNOWN LAWFUL OCCUPANT OF A
6 PROPERTY TO BE SEARCHED; AMENDING SECTION 46-5-227, MCA; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 46-5-227, MCA, is amended to read:

12 **"46-5-227. Service and return of search warrant.** Service of a search warrant is made by exhibiting
13 the original warrant or a duplicate original warrant at the place to be searched, ~~or to the person to be searched,~~
14 or to a known lawful occupant of a property to be searched. The officer taking property under the warrant shall
15 give to the person from whom or from whose premises the property is taken a copy of the search warrant and a
16 receipt for the property taken or shall leave the copy and receipt at the place from which the property was
17 taken. Failure to leave a copy and receipt may not render the property seized inadmissible at trial."

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19 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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