

HOUSE BILL No. 2299

By Committee on Judiciary

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to search and seizure; extending the time within which a search warrant
3 may be executed; amending K.S.A. 2020 Supp. 22-2506 and repealing
4 the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2020 Supp. 22-2506 is hereby amended to read as
8 follows: 22-2506. (a) A search warrant shall be executed within ~~96 hours~~
9 *10 days* from the ~~time~~ *date* of issuance. If the warrant is executed the
10 duplicate copy shall be left with any person from whom any things are
11 seized or if no person is available the copy shall be left at the place from
12 which the things were seized. Any warrant not executed within such time
13 shall be void and shall be returned to the court of the magistrate issuing the
14 same as "not executed."

15 (b) (1) A search warrant for a tracking device issued pursuant to
16 ~~subsection (a)(2) of~~ K.S.A. 22-2502(a)(2), and amendments thereto, shall
17 be sealed by the court and no copy left or served except as discovery in a
18 criminal prosecution.

19 (2) The law enforcement officer executing a search warrant issued
20 pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-2502(a)(2), and amendments
21 thereto, shall complete the installation of the tracking device within 15
22 days from the date of issuance. Such officer shall record on such warrant
23 the exact date and time such tracking device was installed and the entire
24 period during which such tracking device was used.

25 (3) (A) A tracking device shall be deactivated and removed as soon as
26 practicable after the search warrant has expired. If removal of such
27 tracking device is not possible, such tracking device shall be deactivated
28 and shall not be reactivated without an additional warrant or extension of
29 the original warrant and the search warrant return shall state the reasons
30 removal has not been completed.

31 (B) A tracking device which has been deactivated may be accessed
32 after the authorized warrant has expired solely for the purpose of
33 collecting or retrieving tracking data obtained during the period specified
34 by the search warrant.

35 (c) As used in this section:

36 (1) "Deactivate" means to discontinue the ability of a tracking device

- 1 to determine or track the position or movement of a person or object; and
- 2 (2) "tracking data" and "tracking device" ~~have the same meanings~~
- 3 *mean the same* as defined in K.S.A. 22-2502, and amendments thereto.
- 4 Sec. 2. K.S.A. 2020 Supp. 22-2506 is hereby repealed.
- 5 Sec. 3. This act shall take effect and be in force from and after its
- 6 publication in the statute book.