

1 S.138

2 Introduced by Senators Illuzzi, Sears and Doyle

3 Referred to Committee on

4 Date:

5 Subject: Search warrants; record keeping; public records

6 Statement of purpose: This bill proposes to establish a record keeping system
7 for search warrants. The bill proposes that warrants be indexed and maintained
8 in a searchable database by the clerk of the court to which the warrant is
9 returned. After the return is filed, the search warrant and related papers are
10 public records. If the request for a search warrant is denied, the application is
11 sealed and treated as a confidential record.

12 An act relating to the record keeping of search warrants

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. Vermont Rules of Criminal Procedure, Rule 41 is amended to read:

15 RULE 41. SEARCH AND SEIZURE

16 * * *

17 (h) Record keeping; searchable database. The clerk of the court to whom
18 the warrant was returned shall attach to the warrant a copy of the application,
19 the return, the inventory, and all other related papers. The clerk shall file and
20 index the warrant and the attached papers in a searchable database.

1 (i) Public records; sealing.

2 (1) If a request for a search warrant is granted, the application and
3 warrant shall be confidential records until the return is filed. After the return is
4 filed, the granted search warrant application, the resulting warrant, and the
5 return shall be public records. For good cause shown, the court may order that
6 a granted search warrant application, the resulting warrant, and the return be
7 sealed and treated as confidential records.

8 (2) If a request for a search warrant is denied, the application shall be
9 sealed and treated as a confidential record.

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on July 1, 2012.