

**As Passed by the Senate**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. H. B. No. 34**

**Representatives Setzer, Flowers, Kearns, Allen, Webster, DeGeeter, Carano,  
Taylor, Latta, D. Evans, Gilb, Hughes, Seitz, Willamowski, Perry, Barrett,  
Bocchieri, Brown, Buehrer, Calvert, Cassell, Collier, Daniels, DeBose, Distel,  
Domenick, C. Evans, Gibbs, Harwood, Martin, McGregor, T. Patton, Raga,  
Reidelbach, Schaffer, Seaver, G. Smith, Uecker, Williams  
Senators Clancy, Mumper, Schuler**

**A B I L L**

To amend section 2933.24 of the Revised Code to 1  
specify that a search warrant must be returned 2  
promptly. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2933.24 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 2933.24.** (A) A search warrant shall be directed to the 6  
proper law enforcement officer or other authorized individual and, 7  
by a copy of the affidavit inserted in it or annexed and referred 8  
to in it, shall show or recite all the material facts alleged in 9  
the affidavit, and particularly name or describe the property to 10  
be searched for and seized, the place to be searched, and the 11  
person to be searched. If a waiver of the statutory precondition 12  
for nonconsensual entry, as defined in division (A) of section 13  
2933.231 of the Revised Code, has been granted pursuant to that 14  
section, the warrant also shall contain a provision as described 15

in division (C) of that section. 16

The warrant shall command the officer or individual to search 17  
the place or person named or described for the property, and to 18  
bring them, together with the person, before the judge or 19  
magistrate. The command of the warrant shall be that the search be 20  
made in the daytime, unless there is urgent necessity for a search 21  
in the night, in which case a search in the night may be ordered. 22

The warrant shall be returned promptly by the officer or 23  
individual holding it ~~not later than three days after its~~ 24  
~~issuance~~. It shall designate the judge or magistrate to whom it 25  
shall be returned, if such judge or magistrate is available. 26

(B) When a search warrant commands a proper law enforcement 27  
officer or other authorized individual to inspect physical 28  
conditions relating to public health, safety, or welfare, such 29  
officer or individual, upon completion of the search, shall 30  
complete a report of the conditions and file a copy of such report 31  
with ~~his~~ the officer's or individual's agency headquarters. 32

**Section 2.** That existing section 2933.24 of the Revised Code 33  
is hereby repealed. 34