

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 543**

**Representative Barborak**

**Cosponsors: Representatives Fedor, Rogers, Ramos**

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**A B I L L**

To amend section 2933.24 of the Revised Code to 1  
specify that a search warrant must be executed 2  
within 10 days. 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 command that the 20  
search be made in the daytime, unless there is urgent necessity 21  
for a search in the night, in which case a search in the night may 22  
be ordered. The warrant also shall command the officer or 23  
individual to conduct the search, notwithstanding Criminal Rule 24  
41(C)(2), within ten days. The right to conduct the search within 25  
ten days is a substantive legal right, but the manners of 26  
executing and returning the warrant and related papers are 27  
procedural matters governed by Criminal Rule 41. 28

The warrant shall be returned promptly by the officer or 29  
individual holding it. It shall designate the judge or magistrate 30  
to whom it shall be returned, if such judge or magistrate is 31  
available. 32

(B) When a search warrant commands a proper law enforcement 33  
officer or other authorized individual to inspect physical 34  
conditions relating to public health, safety, or welfare, such 35  
officer or individual, upon completion of the search, shall 36  
complete a report of the conditions and file a copy of such report 37  
with the officer's or individual's agency headquarters. 38

**Section 2.** That existing section 2933.24 of the Revised Code 39  
is hereby repealed. 40

**Section 3.** The General Assembly hereby respectfully requests 41  
the Supreme Court to amend Criminal Rule 41 to be consistent with 42  
the amendment to section 2933.24 of the Revised Code that is made 43  
by this act and that provides a ten-day period for conducting a 44  
search under a search warrant. 45

**Section 4.** The amendments to section 2933.24 of the Revised 46  
Code made by Sections 1 and 2 of this act take effect on July 1, 47  
2015. 48