

**SENATE BILL No. 289**

By Committee on Judiciary

1-17

1 AN ACT concerning criminal procedure; relating to search warrants;  
2 electronic devices; amending K.S.A. 2017 Supp. 22-2503 and 22-2506  
3 and repealing the existing sections.  
4

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

6 Section 1. K.S.A. 2017 Supp. 22-2503 is hereby amended to read as  
7 follows: 22-2503. (a) Except as provided in subsection (b), search warrants  
8 issued by a district magistrate judge may be executed only within the  
9 judicial district in which the judge resides or within the judicial district to  
10 which the judge has been assigned pursuant to K.S.A. 20-319, and  
11 amendments thereto.

12 (b) Search warrants issued pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-  
13 2502(a)(2), and amendments thereto:

14 (1) That are issued by a district judge may be executed anywhere  
15 within the state; and

16 (2) shall be valid during the time period specified by the warrant  
17 regardless of whether the tracking device or the subject person or property  
18 leaves the issuing jurisdiction.

19 (c) *Search warrants issued by a district judge pursuant to K.S.A. 22-  
20 2502(a)(1), and amendments thereto, for an electronic device located  
21 within the state may allow for transportation of the electronic device to  
22 another state and subsequent return of the device to the state of Kansas.*

23 (d) As used in this section;

24 (1) *"Electronic device" includes cellular telephones, computers,  
25 digital assistants, laptop computers, portable storage devices,  
26 smartwatches, tablets, and any other device that makes use of an  
27 electronic communication service, as defined in K.S.A. 22-2514, and  
28 amendments thereto; and*

29 (2) *"tracking data" and "tracking device" have the same meanings as  
30 defined in K.S.A. 22-2502, and amendments thereto.*

31 Sec. 2. K.S.A. 2017 Supp. 22-2506 is hereby amended to read as  
32 follows: 22-2506. (a)-(1) A search warrant shall be executed within 96  
33 hours from the time of issuance, *except that a search warrant for an  
34 electronic device shall be executed within 90 days from the time of  
35 issuance.*

36 (2) If the warrant is executed, the duplicate copy shall be left with any

1 person from whom any things are seized or if no person is available the  
2 copy shall be left at the place from which the things were seized. Any  
3 warrant not executed within such time shall be void and shall be returned  
4 to the court of the magistrate issuing the same as "not executed."

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

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

15 (3) (A) A tracking device shall be deactivated and removed as soon as  
16 practicable after the search warrant has expired. If removal of such  
17 tracking device is not possible, such tracking device shall be deactivated  
18 and shall not be reactivated without an additional warrant or extension of  
19 the original warrant and the search warrant return shall state the reasons  
20 removal has not been completed.

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

25 (c) As used in this section:

26 (1) "Deactivate" means to discontinue the ability of a tracking device  
27 to determine or track the position or movement of a person or object;

28 (2) *"electronic device" has the same meaning as defined in K.S.A. 22-*  
29 *2503, and amendments thereto; and*

30 ~~(2)~~(3) "tracking data" and "tracking device" have the same meanings  
31 as defined in K.S.A. 22-2502, and amendments thereto.

32 Sec. 3. K.S.A. 2017 Supp. 22-2503 and 22-2506 are hereby repealed.

33 Sec. 4. This act shall take effect and be in force from and after its  
34 publication in the statute book.