

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 377
HOUSE BILL 117

1 AN ACT TO PROVIDE FOR SEARCH WARRANTS TO ISSUE UPON REASONABLE
2 CAUSE TO SUSPECT THAT ANY PERSON HAS IN HIS POSSESSION OR ON HIS
3 PREMISES OR IN HIS VEHICLE OR OTHER CONVEYANCE, ANY INSTRUMENT,
4 ARTICLE, OR THINGS WHICH HAVE BEEN USED IN THE COMMISSION OF, OR
5 WHICH MAY CONSTITUTE EVIDENCE OF, ANY FELONY.
6

7 The General Assembly of North Carolina do enact:
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9 **Section 1.** Article 4 of Chapter 15 of the General Statutes is hereby amended by
10 adding a new Section immediately following G.S. 15-25.1 to be designated as "G.S. 15-25.2"
11 and to read as follows:

12 **"G.S. 15-25.2. Search Warrants Issued for Instruments, Articles or Things Which Have**
13 **Been Used in Commission of, or Which May Constitute Evidence of the Commission of**
14 **any Felony.** If any credible witness shall prove, under oath, before any justice of the peace,
15 magistrate, judge of any court of record, the clerk or assistant clerk of any court of record that
16 there is reasonable cause to suspect that any person has in his possession, or on his premises, or
17 in his vehicle, or other conveyance, any instrument, article or thing which has been used in the
18 commission of, or which may constitute evidence of the commission of any felony, it shall be
19 lawful for such justice, magistrate, judge of any court of record, clerk or assistant clerk of court
20 of record to issue a warrant, which shall describe the person, place or vehicle to be searched
21 and the things to be seized, to be directed to any proper peace officer authorizing him to search
22 the person, place, vehicle, or other conveyance, for such property, to seize the same, and to
23 make return thereof to any court of competent jurisdiction to be dealt with according to law.

24 When such search warrant is issued by a judge or a clerk or an assistant clerk of the
25 Superior Court, by a judge or a clerk or an assistant clerk of the District Court, by a judge or a
26 clerk or an assistant clerk of any other court of record inferior to the Superior Court which has
27 territorial jurisdiction of a full county, or by a justice of the peace or a magistrate, it may be
28 executed anywhere in the county in which it is issued. When such search warrant is issued by a
29 judge or a clerk or an assistant clerk of a court of record inferior to the Superior Court, and
30 when such inferior court has, territorial jurisdiction less than a full county, it may be executed
31 only within the territorial jurisdiction of such inferior court.

32 Such a search warrant shall issue only on affidavit establishing the grounds for issuing the
33 warrant and only if such justice, judge of a court of record, clerk or assistant clerk of a court of
34 record before whom such affidavit is made is satisfied that grounds for the application exist or
35 that there is probable cause to believe that they exist. The warrant shall state the grounds or
36 probable cause for its issuance and the names of the persons whose affidavits have been taken
37 in support thereof. No warrant shall be issued in any case upon an affidavit stating nothing
38 more than "information and belief."

39 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

40 **Sec. 3.** This Act shall become effective upon its ratification.

41 In the General Assembly read three times and ratified, this the 30th day of April,

42 1965.