

**First Regular Session  
Seventy-Seventh General Assembly  
STATE OF SAN ANDREAS**

**ENGROSSED**

LLS NO. 26-0740.02 Ava Sanchez x3824

**SENATE BILL 26-004**

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**SENATE SPONSORSHIP**

**Castillo, Daugherty**

**HOUSE SPONSORSHIP**

**Suarez, Perez**

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**House Committees**

Not assigned

**Senate Committees**

Justice, Public Safety & Constitutional Affairs

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**A BILL FOR AN ACT**

**CONCERNING LIABILITY FOR PROPERTY DAMAGE CAUSED BY LAW ENFORCEMENT  
DURING THE EXECUTION OF SEARCH WARRANTS, AND, IN CONNECTION  
THEREWITH, ESTABLISHING EVIDENTIARY REQUIREMENTS FOR WARRANTS  
AND REQUIRING TIMELY RETURN OF SEIZED PROPERTY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)*

This bill establishes civil liability for law enforcement agencies for damage to property resulting from the execution of invalid or unlawful search warrants. The bill requires compensation to property owners and creates a private right of action.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

The bill also establishes minimum evidentiary requirements for the issuance of search warrants, prohibiting reliance solely on statements or uncorroborated informant claims. A warrant obtained without sufficient independent evidence is deemed invalid. The bill further requires that seized property be returned within thirty days unless retained by court order or for an active prosecution.

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1 *Be it enacted by the General Assembly of the State of San*

2 *Andreas:*

3 **SECTION 1. SHORT TITLE.** This act shall be referred to as the  
4 “Search Warrant Accountability and Property Protection Act.”

5 **SECTION 2. LEGISLATIVE DECLARATION.** The general  
6 assembly hereby finds and declares that: (a) The issuance and  
7 execution of search warrants must be grounded in reliable and  
8 verifiable evidence; (b) Warrants based solely on uncorroborated  
9 statements or informant claims increase the risk of unlawful  
10 searches and property damage; (c) Property owners should not  
11 bear the cost of government error when warrants are improperly  
12 issued or executed; (d) The prolonged retention of seized property  
13 without sufficient justification imposes undue hardship; and (e) It  
14 is therefore necessary to establish clear evidentiary standards,  
15 accountability measures, and timelines for the return of property.

16 **SECTION 3. DEFINITIONS.** For the purposes of this act, unless  
17 the context otherwise requires: (a) “Search warrant” means any  
18 warrant issued by a court authorizing a search or seizure. (b)  
19 “Invalid warrant” means a warrant that is: (I) Issued without  
20 probable cause; (II) Issued in material violation of statutory or  
21 constitutional requirements or; (III) Based solely or primarily on  
22 uncorroborated statements or allegations; or (IV) Based on  
23 information provided by an informant without independent  
24 evidence supporting the reliability of the claim. (c) “Independent  
25 evidence” means physical evidence, documented observations by  
26 law enforcement, reliable records, or corroborated testimony from

1 a source other than the originating informant. (d) “Seized  
2 property” means any real or personal property taken or detained  
3 by law enforcement pursuant to a search warrant. (e) “Law  
4 enforcement agency” means any state or local agency or officer  
5 authorized to execute search warrants. **SECTION 4.**  
6 **EVIDENTIARY REQUIREMENTS FOR WARRANT**  
7 **APPLICATIONS.** (a) A law enforcement officer applying for a  
8 search warrant shall present sufficient evidence to establish  
9 probable cause based on more than statements or allegations alone  
10 verifiable facts and circumstances. ~~(b) A warrant application shall~~  
11 ~~not rely solely on: (I) Unverified statements; or (II) Information~~  
12 ~~provided by an informant without independent corroboration.~~ (b)  
13 Corroboration Required. NO SEARCH WARRANT SHALL  
14 ISSUE BASED ON THE TESTIMONY OR AFFIDAVIT OF AN  
15 INFORMANT UNLESS SUCH TESTIMONY OR AFFIDAVIT  
16 IS CORROBORATED BY AT LEAST TWO INDEPENDENT  
17 SOURCES OF EVIDENCE OR BY ELECTRONIC  
18 SURVEILLANCE RECORDINGS. (c) When an informant is  
19 used, the application shall include: (I) Evidence supporting the  
20 credibility or reliability of the informant; and (II) Independent  
21 evidence corroborating the material elements of the informant’s  
22 claims. (d) A warrant issued in violation of this section by a court  
23 of competent jurisdiction shall be deemed invalid. **SECTION 4.5.**  
24 **MANDATORY VIDEO RECORDING.** The execution of every  
25 search warrant shall be recorded in its entirety by body-worn  
26 cameras. failure to record the execution of a warrant shall create a  
27 rebuttable presumption that the warrant was executed  
28 unreasonably and that any property damage resulting therefrom  
29 was unlawful. **SECTION 5. LIABILITY FOR PROPERTY**  
30 **DAMAGE.** (a) A law enforcement agency shall be liable for  
31 damage to real or personal property resulting from the execution  
32 of an invalid warrant execution of any search warrant, regardless  
33 of the warrant's validity, if the property owner is not subsequently

1 charged with a crime related to the items seized or the premises  
2 searched. (b) Liability under this section applies regardless of  
3 whether the officers acted in good faith. (c) A property owner may  
4 recover: (I) The reasonable cost of repair or replacement; (II)  
5 Compensation for loss of use of the property; and (III) Any other  
6 consequential damages proven documented consequential  
7 damages. **SECTION 6. RETURN OF SEIZED PROPERTY.** (a)  
8 Seized property shall be returned to its lawful owner not later than  
9 thirty days after the date of seizure unless: (I) The property is  
10 being held as evidence in a pending criminal prosecution,  
11 provided that the property is not contraband; or (II) A court orders  
12 continued retention upon a showing of good cause. (b) Upon  
13 request by the property owner, a court shall hold a hearing within  
14 fourteen days to determine whether continued retention is  
15 justified. (c) If the state fails to return property within the time  
16 required by this section, the property owner may seek immediate  
17 judicial relief. **SECTION 7. CIVIL ACTION.** (a) A person  
18 aggrieved by a violation of this act may bring a civil action  
19 against the law enforcement agency responsible. (b) In a  
20 successful action, a court may award: (I) Actual damages; ~~(H)~~  
21 Statutory damages of not less than \$5,000 per violation Statutory  
22 damages of five thousand dollars; (II) STATUTORY DAMAGES  
23 IN THE AMOUNT OF THREE TIMES THE ACTUAL  
24 DAMAGES OR \$10,000, WHICHEVER IS GREATER; (III)  
25 Injunctive or declaratory relief; and (IV) Reasonable attorney fees  
26 and court costs. ~~(c) Sovereign or qualified immunity shall not be a~~  
27 ~~defense to liability under this act where a warrant is determined to~~  
28 ~~be invalid.~~ (c) NO GOVERNMENTAL IMMUNITY SHALL BE  
29 A DEFENSE TO LIABILITY UNDER THIS ACT. **SECTION 8.**  
30 **SEVERABILITY.** If any provision of this act or its application is  
31 held invalid, such invalidity does not affect other provisions of the  
32 act. **SECTION 9. EFFECTIVE DATE.** Act subject to petition –  
33 effective date. This act takes effect on August 18, 2026, assuming

1 the general assembly adjourns sine die on May 18, 2026; except  
2 that, if a veto petition is filed pursuant to Article II, Section 15 of  
3 the state constitution against this act or an item, section, or part of  
4 this act within such period, then the act, item, section, or part will  
5 not take effect unless approved by the people at the general  
6 election to be held in November 2026 and, in such case, will take  
7 effect on the date of the official declaration of the vote thereon by  
8 the governor.