

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

INTRODUCED

LLS NO. 26-0740.01 Ava Sanchez x3824

SENATE BILL 26-004

SENATE SPONSORSHIP

Castillo, Daugherty

HOUSE SPONSORSHIP

Suarez, Perez

House Committees

Not assigned

Senate Committees

Not assigned

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.**

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.

1 ***Be it enacted by the General Assembly of the State of San***
2 ***Andreas:***
3 **SECTION 1. SHORT TITLE.** This act shall be known and may
4 be cited as the “Search Warrant Accountability and Property
5 Protection Act.” **SECTION 2. LEGISLATIVE DECLARATION.**
6 The general assembly hereby finds and declares that: (a) The
7 issuance and execution of search warrants must be grounded in
8 reliable and verifiable evidence; (b) Warrants based solely on
9 uncorroborated statements or informant claims increase the risk of
10 unlawful searches and property damage; (c) Property owners
11 should not bear the cost of government error when warrants are
12 improperly issued or executed; (d) The prolonged retention of
13 seized property without sufficient justification imposes undue
14 hardship; and (e) It is therefore necessary to establish clear
15 evidentiary standards, accountability measures, and timelines for
16 the return of property. **SECTION 3. DEFINITIONS.** For the
17 purposes of this act, unless the context otherwise requires: (a)
18 “Search warrant” means any warrant issued by a court authorizing
19 a search or seizure. (b) “Invalid warrant” means a warrant that is:
20 (I) Issued without probable cause; (II) Issued in material violation
21 of statutory or constitutional requirements; (III) Based solely or
22 primarily on uncorroborated statements or allegations; or (IV)
23 Based on information provided by an informant without
24 independent evidence supporting the reliability of the claim. (c)
25 “Independent evidence” means physical evidence, documented
26 observations by law enforcement, reliable records, or corroborated

1 testimony from a source other than the originating informant. (d)
2 “Seized property” means any real or personal property taken or
3 detained by law enforcement pursuant to a search warrant. (e)
4 “Law enforcement agency” means any state or local agency or
5 officer 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
10 alone. (b) A warrant application shall not rely solely on: (I)
11 Unverified statements; or (II) Information provided by an
12 informant without independent corroboration. (c) When an
13 informant is used, the application shall include: (I) Evidence
14 supporting the credibility or reliability of the informant; and (II)
15 Independent evidence corroborating the material elements of the
16 informant’s claims. (d) A warrant issued in violation of this
17 section shall be deemed invalid. **SECTION 5. LIABILITY FOR**
18 **PROPERTY DAMAGE.** (a) A law enforcement agency shall be
19 liable for damage to real or personal property resulting from the
20 execution of an invalid warrant. (b) Liability under this section
21 applies regardless of whether the officers acted in good faith. (c)
22 A property owner may recover: (I) The reasonable cost of repair
23 or replacement; (II) Compensation for loss of use of the property;
24 and (III) Any other consequential damages proven. **SECTION 6.**
25 **RETURN OF SEIZED PROPERTY.** (a) Seized property shall be
26 returned to its lawful owner not later than thirty days after the date
27 of seizure unless: (I) The property is being held as evidence in a
28 pending criminal prosecution; or (II) A court orders continued
29 retention upon a showing of good cause. (b) Upon request by the
30 property owner, a court shall hold a hearing within fourteen days
31 to determine whether continued retention is justified. (c) If the
32 state fails to return property within the time required by this
33 section, the property owner may seek immediate judicial relief.

1 **SECTION 7. CIVIL ACTION.** (a) A person aggrieved by a
2 violation of this act may bring a civil action against the law
3 enforcement agency responsible. (b) In a successful action, a court
4 may award: (I) Actual damages; (II) Statutory damages of not less
5 than \$5,000 per violation; (III) Injunctive or declaratory relief;
6 and (IV) Reasonable attorney fees and court costs. (c) Sovereign
7 or qualified immunity shall not be a defense to liability under this
8 act where a warrant is determined to be invalid. **SECTION 8.**
9 **SEVERABILITY.** If any provision of this act or its application is
10 held invalid, such invalidity does not affect other provisions of the
11 act. **SECTION 9. EFFECTIVE DATE.** Act subject to petition –
12 effective date. This act takes effect on August 18, 2026, assuming
13 the general assembly adjourns sine die on May 18, 2026; except
14 that, if a veto petition is filed pursuant to Article II, Section 15 of
15 the state constitution against this act or an item, section, or part of
16 this act within such period, then the act, item, section, or part will
17 not take effect unless approved by the people at the general
18 election to be held in November 2026 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by
20 the governor.