

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

REVISED

LLS NO. 26-0740.03 Ava Sanchez x3824

SENATE BILL 26-004

SENATE SPONSORSHIP

Castillo, Daugherty

HOUSE SPONSORSHIP

Suarez, Perez

House Committees

Judiciary

Senate Committees

Justice, Public Safety & Constitutional Affairs

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 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~~ state or federal constitutional
22 requirements or; (III) Based solely on uncorroborated statements
23 or allegations; or (IV) Based on information provided by an
24 informant without independent evidence supporting the reliability
25 of the claim. (c) “Independent evidence” means physical
26 evidence, documented observations by law enforcement, reliable

1 records, or corroborated testimony, or the affidavit from a source
2 other than the originating informant. (d) “Seized property” means
3 any real or personal property taken or detained by law
4 enforcement pursuant to a search warrant. (e) “Law enforcement
5 agency” means any state or local agency or officer authorized to
6 execute search warrants. **SECTION 4. EVIDENTIARY**
7 **REQUIREMENTS FOR WARRANT APPLICATIONS.** (a) A law
8 enforcement officer applying for a search warrant shall present
9 sufficient evidence to establish probable cause based on verifiable
10 facts and circumstances. (b) Corroboration Required. No search
11 warrant shall issue based on the testimony or affidavit of an
12 informant unless such testimony or affidavit is corroborated by at
13 least two independent sources of evidence, one of which must be
14 physical evidence, or by electronic surveillance recordings. (c)
15 When an informant is used, the application shall include: (I)
16 Evidence supporting the credibility or reliability of the informant;
17 and (II) Independent evidence corroborating the material elements
18 of the informant’s claims. (d) A warrant issued in violation of this
19 section by a court of competent jurisdiction shall be deemed
20 invalid. ~~**SECTION 4.5. MANDATORY VIDEO RECORDING.**~~
21 ~~The execution of every search warrant at a residential premises~~
22 ~~shall be recorded in its entirety by body-worn cameras or other~~
23 ~~mobile recording devices. failure to record the execution of a~~
24 ~~warrant shall create a rebuttable presumption that the warrant was~~
25 ~~executed unreasonably and that any property damage resulting~~
26 ~~therefrom was unlawful.~~ **SECTION 4.5. MANDATORY VIDEO**
27 **RECORDING.** (a) **THE EXECUTION OF EVERY SEARCH**
28 **WARRANT SHALL BE RECORDED IN ITS ENTIRETY BY**
29 **BODY-WORN CAMERAS.** (b) **IF A LAW ENFORCEMENT**
30 **OFFICER WILLFULLY DEACTIVATES A RECORDING**
31 **DEVICE DURING THE EXECUTION OF A WARRANT, ANY**
32 **EVIDENCE SEIZED THEREIN SHALL BE INADMISSIBLE.**
33 **SECTION 5. LIABILITY FOR PROPERTY DAMAGE.** (a) A

1 law enforcement agency shall be liable for damage to real or
2 personal property resulting from the execution of any search
3 warrant, regardless of the warrant's validity, if the property owner
4 is not subsequently charged with a crime related to the items
5 seized or the premises searched. (b) Liability under this section
6 applies regardless of whether the officers acted in good faith. (c)
7 A property owner may recover: (I) The reasonable cost of repair
8 or replacement; (II) Compensation for loss of use of the property;
9 and (III) Any other documented consequential damages.

10 **SECTION 6. RETURN OF SEIZED PROPERTY.** (a) Seized
11 property shall be returned to its lawful owner not later than ~~thirty~~
12 ~~forty-five~~ days days after the date of seizure unless: (I) The
13 property is being held as evidence in a pending criminal
14 prosecution, provided that the property is not contraband; or (II) A
15 court orders continued retention upon a showing of good cause.

16 ~~(b) Upon request by the property owner, a court shall hold a~~
17 ~~hearing within fourteen days to determine whether continued~~
18 ~~retention is justified.~~ (b) Preservation of Evidence. **IF SEIZED**
19 **PROPERTY IS SUBJECT TO TESTING OR ANALYSIS THAT**
20 **MAY ALTER ITS CONDITION, THE STATE SHALL**
21 **PROVIDE THE OWNER WITH TEN DAYS' NOTICE AND AN**
22 **OPPORTUNITY TO HAVE AN INDEPENDENT EXPERT**
23 **PRESENT DURING SUCH TESTING.** (c) If the state fails to

24 return property within the time required by this section, the
25 property owner may seek immediate judicial relief. **SECTION 7.**
26 **CIVIL ACTION.** (a) A person aggrieved by a violation of this act
27 may bring a civil action against the law enforcement agency
28 responsible. (b) In a successful action, a court may award: (I)
29 Actual damages; (II) statutory damages in the amount of three
30 times the actual damages or \$10,000, whichever is greater; (III)
31 Injunctive or declaratory relief; and (IV) Reasonable attorney fees
32 and court costs. ~~(c) No governmental immunity shall be a defense~~
33 ~~to liability under this act.~~ (c) **NO GOVERNMENTAL**

1 IMMUNITY SHALL BE A DEFENSE TO LIABILITY FOR
2 ACTUAL DAMAGES UNDER THIS ACT. (d) Attorney Fees. A
3 prevailing property owner in a claim for damages under this
4 section shall be entitled to reasonable attorney fees and costs,
5 regardless of the amount of damages recovered. (e)
6 Accountability for Perjury. If a law enforcement officer is found
7 to have materially misrepresented the reliability of an informant
8 or fabricated independent corroboration in a warrant application,
9 the officer shall be immediately terminated from employment and
10 barred from any future law enforcement service in this state. (f)
11 Personal Liability. Notwithstanding any indemnification
12 agreement, an officer who executes a warrant in reckless disregard
13 of the evidentiary standards in section 4 shall be personally liable
14 for twenty-five percent of any damages awarded, to be paid from
15 the officer's personal assets or pension. (g) The Blue Wall of
16 Silence. Any officer who witnesses the malicious destruction of
17 property during a search and fails to report such conduct to the
18 attorney general within forty-eight hours shall be charged as an
19 accessory to the underlying offense. **SECTION 8.**
20 SEVERABILITY. If any provision of this act or its application is
21 held invalid, such invalidity does not affect other provisions of the
22 act. **SECTION 9. EFFECTIVE DATE.** Act subject to petition –
23 effective date. This act takes effect on August 18, 2026, assuming
24 the general assembly adjourns sine die on May 18, 2026; except
25 that, if a veto petition is filed pursuant to Article II, Section 15 of
26 the state constitution against this act or an item, section, or part of
27 this act within such period, then the act, item, section, or part will
28 not take effect unless approved by the people at the general
29 election to be held in November 2026 and, in such case, will take
30 effect on the date of the official declaration of the vote thereon by
31 the governor.