

# What You Need to Know About Search Warrants in Utah

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In criminal cases, defendants often are not even aware that they are being investigated until the authorities arrive with a Utah search warrant. If that happens at your home or workplace, naturally, you and your family or employer and coworkers will suddenly be in a shocking and stressful circumstance. It can help to know your rights and what to expect. Here is the basic important information you need to know about Utah Rule 40, the law governing search warrants.

## **What's a Search Warrant?**

Under Utah Rule 40, a search warrant in this state is defined as a court order handed down by a magistrate judge for law enforcement to conduct a search of a specific person, place, or thing. The order specifies what property or evidence will be seized in the search. The rule requires that the warrant is readable, so, either the original written version or a copy of it is required.

## **When Can the Police Get a Search Warrant?**

Law enforcement can obtain a search warrant only when there is probable cause to believe a crime has been committed and that the person targeted in the warrant committed the crime. The testimony supporting the rationale for obtaining the warrant must be taken under oath or affirmation (a solemn commitment to tell the truth).

In some cases, items that are evidence of a crime may be in the possession of someone whom authorities do not have probable cause to believe is/was involved in the crime. In those situations, a search warrant can only be granted if the judge determines that the evidence cannot be acquired by a subpoena or will be destroyed to avoid providing it to the court.

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## Can the Police Take My Possessions With a Search Warrant?

During a search with a warrant, law enforcement can legally seize your possessions if they have probable cause to believe that the property:

- was illegally acquired or the bearer is in illegal possession of it.
- has been or is being held for use in committing or covering up a crime.
- is evidence of a crime.

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## What Protections Do People Have in a Search Warrant?

The magistrate court judge will stipulate these requirements as part of a search warrant:

- Unreasonable disruption of normal business activity is prohibited.
- Executing the warrant must not cause the loss of any confidential sources whose identity is being protected or cause exposure of their identity.
- Executing the warrant must not violate rights that are constitutionally protected.

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## What Will Happen if the Police Seize Items From My Home?

Law enforcement officers are legally required to provide you with a detailed receipt for all items removed from your possession. If you are not at the property during the search, they must leave the receipt at that location. They are further required by law to provide appropriate safekeeping for the items taken and to maintain their condition until instructed by the court to return the property to you or to dispose of it another way.

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## What Is the Time Limit on the Police for Serving a Warrant?

After it is obtained from the court, law enforcement is legally allowed 10 days to serve the active search warrant. Normally, the judge will specify on the warrant that it can only be served during daytime hours. Those hours, for purposes of executing a warrant, start at a very early hour and run into late evening. So, people are sometimes awakened with search warrants early in the morning or after they've gone to sleep at night.

Further, if the judge decides that there is a risk of the targeted property being hidden, damaged, or destroyed, the court may allow the search to be performed at any time, day or night.

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## Best Lawyer for Utah Search Warrant Cases

If you are served with a search warrant in Utah and your property is seized by the police, our highly experienced legal team at Wasatch Defense Lawyers can help. We can help ensure that if your rights have been violated by law enforcement during the execution of the search warrant, you will be able to fight the injustice effectively. You need to act promptly in this situation.

**For help to overcome search warrant issues in Utah, call Wasatch Defense Lawyers at (801) 980-9965, or contact us right here on our website.**

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