

have a clear statement as to when daytime is, and the police think they have to serve a warrant outside of that time, let them persuade the judge or the magistrate. The U.S. Constitution, the so-called founding fathers who drafted it saw a need to see that the people are secure in their persons and their property.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: It said that there can be no illegal searches and seizures. That is why you have to have a warrant specifically describing the person or thing to be seized or the premises to be searched. To have a situation such as this is to try to make inroads on that constitutional guarantee by maneuvering and manipulating the terminology that defines when a warrant can be served. Law enforcement will not be hurt by the amendment that I am offering. They might have to be more forthright and forthcoming to a judge or magistrate to persuade him or her to let them serve a warrant after darkness, and I don't think that is too heavy a burden to be placed upon them. This bill came to us not because there were a lot of warrants that needed to be served at night and judges and magistrates were not allowing it. The police did not serve a daytime warrant in the daytime. They kicked the door down at night.

SPEAKER BARRETT: Time has expired.

SENATOR CHAMBERS: That is how this came before us, one case, and I hope you will adopt the amendment.

SPEAKER BARRETT: Thank you. Senator Abboud, please. Senator Kristensen, please.

SENATOR KRISTENSEN: I just have a...Senator Chambers, can I ask you a question?

SENATOR CHAMBERS: Okay.

SPEAKER BARRETT: Senator Chambers, would you respond?

SENATOR CHAMBERS: Yes, I will.

SENATOR KRISTENSEN: If I was going to...if I was a law enforcement officer today and I was going to serve a warrant, when would be the last time today I could serve that warrant