

SENATOR CHAMBERS: Yes, I will.

SENATOR ELMER: Senator Chambers, you are well versed on these kind of things. Do you know in the issuance of a warrant if the judge would be more inclined to, and I don't know how I best want to say this, is there further criteria that the judge would use to issue a 24-hour a day warrant compared to a daytime warrant?

SENATOR CHAMBERS: Oh, I believe so because of the fact that the statute makes a difference, the judge recognizes that there is a difference, and in an emergency type situation, and I am trying not to use any legalese, where the good of the public requires that this warrant be served outside of daylight hours, the judge can be shown that. And nighttime warrants are not routinely given. So a lot of it is going to depend on what the facts of the case are, what the officers seeking the warrant can persuade the judge to do. But forgetting those differences in factual circumstances and examples, the idea is that a difference exists between a daytime and a nighttime warrant, and I think the situations differ when the nighttime warrant would be given, and I am calling it nighttime to distinguish it from daytime, but the warrant really would say at any time. It could be served in the daytime. With that failing, it could be served at night also.

SENATOR ELMER: Excuse me. I wonder if you might be able to cite an example of where a judge would issue a daytime warrant versus a 24-hour warrant?

SENATOR CHAMBERS: Let's say a bench warrant is issued because somebody didn't show up for trial, and it is not a serious offense and they don't think the person is a desperado and they have fled from the jurisdiction, there are some types of warrants or a search warrant that officers will carry around for a period of time until it is convenient for them to serve it, and I know officers on the police force. I am not going to try to itemize every kind of situation where one of these or the other would be served.

SENATOR ELMER: Wouldn't a bench warrant be an arrest warrant?

SENATOR CHAMBERS: Yes, yes.