

CIRCUIT COURT OF ILLINOIS
SIXTH JUDICIAL CIRCUIT
CIRCUIT ADMINISTRATIVE ORDER 98-1

SUBJECT: ISSUANCE OF SEARCH WARRANTS (725 ILCS 5/108-4)

Section 1. Presentation of Complaint for Search Warrant.

(a) The Complaint, Affidavit and Search Warrant shall be presented to any judge of the Sixth Judicial Circuit.

(b) The Complaint, Affidavit and Search Warrant shall be prepared in triplicate and presented by the State's Attorney, an attorney from the office of the Attorney General of the State of Illinois, or there shall otherwise be a written statement attached that the Complaint, Affidavit and Search Warrant have been approved by the State's Attorney or an attorney from the office of the Attorney General of the State of Illinois.

(c) Unless for good cause shown, at least one person signing the Complaint and Affidavit shall appear before a judge at the time said documents are presented to the court.

Section 2. Issuance of Search Warrants.

(a) Upon the determination by a judge that a Search Warrant should issue, the judge shall sign the Search Warrant and mark thereon the time and date of issuance. The original and two copies shall be signed by the judge. The original Complaint and Affidavit, together with a copy of the Search Warrant, shall be retained by the judge.

(b) The original and one copy of the Search Warrant and copies of the Complaint and Affidavit shall be delivered to the person presenting the Complaint.

(c)(i) If the judge deems appropriate, the original Complaint, Affidavit and a copy of the Search Warrant may be filed with the Clerk of the Court; or

(c)(ii) at the discretion of the issuing judge, the copy of the Search Warrant and original Complaint and Affidavit may be retained in a locked drawer by the issuing judge. If the documents remain with the judge, they shall be placed in a sealed envelope, and written thereon the name of the judge and the date of the issuance of the Warrant.

(c)(iii) If the documents are filed with the Clerk of the Court pursuant to (c)(i) above, they shall be placed in a sealed envelope and ordered impounded pending service of the Warrant. The sealed envelope shall be marked "Impounded", given a Miscellaneous Remedy docket number and placed in secured, locked storage by the Clerk of the Court.

(d) All orders shall be entered by the judge on the automated Record Sheet, who shall also enter an order specifying that any impoundment shall continue until the return of the Search Warrant and inventory of things seized, or until otherwise ordered by court. The Clerk of the Court shall designate the appropriate security codes, if available, in the automated recordkeeping system so that only the judge issuing the Search Warrant, that judge's official court reporter, or such clerk as designated by the judge, may have access to the automated record. When the impound order expires, the automated security code shall be deleted by the Circuit Clerk and the "Impound" designation stricken.

(e) If a security code is unavailable in the county's automated recordkeeping system, the court shall make a written entry on the record sheet outside the automated recordkeeping system which shall be kept with the documents stored.

The written entry(s) into the automated recordkeeping system shall be made upon return of the executed search warrant.

Section 3. Execution of the Search Warrant.

(a) If the Warrant is executed, a duplicate copy shall be left with any person from whom the item(s) were seized, or if no person is present, the copy shall be left at the place from which the item(s) were seized.

(b) If the Search Warrant is executed, but no item(s) seized, the Warrant shall be returned to the issuing judge with the time and date of the search marked thereon, with the words "Nothing Seized".

(c) Any Warrant not executed within 96 hours of the date and time of issue shall be returned to the issuing judge marked "Not Executed".

Section 4. Return of Search Warrant

(a) The original Search Warrant and verified inventory of any instruments, articles or things seized shall be returned to the judge issuing the Search Warrant, or a judge acting in his stead.

(b) The Search Warrant Return shall be signed by the person in charge of executing the Search Warrant and recite the date and time the search was executed.

(c) Upon return of the Search Warrant, if the judge has not filed the Complaint and Affidavit with the Clerk of the Court,

the judge shall forthwith do so, including the executed or unexecuted Warrant. If not previously created, a file shall then be made and given a Miscellaneous Remedy document number.

(d) The return of the Search Warrant executed or unexecuted, and the inventory, shall be placed in the same file as set forth in Section 2(c) above.

Section 5. Care of Property Seized

(a) The person in charge of executing the Search Warrant shall be responsible for the property seized until the judge issuing the Search Warrant, or a judge acting in his stead, enters an order for the custody of such property.

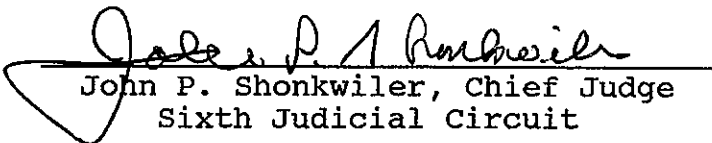
(b) Immediately after filing the return of the Warrant and verified inventory of the property seized, the judge issuing the Search Warrant, or judge acting in his stead, shall enter an order for the custody of the property seized pending further proceedings.

(c) If the person from whom or from whose premises the items were seized requests a copy of the inventory, the Clerk of the Circuit Court shall mail a copy of such inventory to said person and to the applicant for the Warrant.

Section 6. Noncompliance with Order

Noncompliance with the foregoing Administrative Order shall not be deemed to invalidate an otherwise valid search and seizure.

ENTER: February 11, 1998
EFFECTIVE: March 1, 1998


John P. Shonkwiler, Chief Judge
Sixth Judicial Circuit