

SUPREME COURT OF ARKANSAS

No.

Opinion Delivered October 6, 2011

IN RE ARKANSAS RULE
OF CRIMINAL PROCEDURE
13.4

PER CURIAM

We published for comment the Supreme Court Committee on Criminal Practice’s proposed amendment to Ark. R. Crim. P. 13.4. *See In Re Supreme Court Committee on Criminal Practice — Proposed Rule Changes*, 2011 Ark. 241 (per curiam). Today, we adopt, effective, November 1, 2011, the amendments to the rule and republish it as set out below.

We express our gratitude to the members of the Criminal Practice Committee for their work.

Arkansas Rules of Criminal Procedure

Rule 13.4. Return of a search warrant.

(a) If a search warrant is not executed, the officer shall return the warrant to the issuing judicial officer within a reasonable time, not to exceed sixty (60) days from the date of issuance, together with a report of the reasons why it was not executed. If the issuing judicial officer is unavailable, the warrant may be returned to any judicial officer of a circuit or district court within the county in which the warrant was issued.



Cite as 2011 Ark. 422

(b) An officer who has executed a search warrant or, if such officer is unavailable, another officer acting in his behalf, shall, as soon as possible and not later than the date specified in the warrant, return the warrant to the issuing judicial officer together with a verified report of the facts and circumstances of execution, including a list of things seized. If the issuing judicial officer is unavailable, the warrant may be returned to any judicial officer of a circuit or district court within the county in which the warrant was issued.

(c) Subject to the provisions of subsection (d), the judicial officer to whom an executed warrant is returned shall cause the warrant, report, and list returned to him to be filed with the record of the proceedings on the application for the warrant. In any event, the judicial officer shall cause the list to be given such public notice as he may deem appropriate.

(d) If the judicial officer to whom an executed warrant is returned does not have jurisdiction to try the offense in respect to which the warrant was issued or the offense apparently disclosed by the things seized, he may transmit the warrant and the record of proceedings for its issuance, together with the documents submitted on the return, to an appropriate court having jurisdiction to try the offense disclosed.

Reporter's Notes, 2011 Amendment.

The 2011 amendments added the last sentences of subparagraphs (a) and (b) and made conforming amendments to subparagraphs (c) and (d).