

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1260
HOUSE BILL 1390

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF WARRANTS TO CONDUCT
2 ADMINISTRATIVE AND OTHER INSPECTIONS AUTHORIZED BY LAW.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** There is hereby added a new Article to Chapter 15 of the General
7 Statutes to read as follows:

8 "Article 4A

9 Administrative Search and Inspection Warrants.

10 **§ 15-27.2. Warrants to Conduct Inspections Authorized by Law.** (a) Notwithstanding the
11 provisions of Article 4 of this Chapter, any official or employee of the State or of a unit of
12 county or local government of North Carolina may, under the conditions specified in this
13 Section, obtain a warrant authorizing to conduct a search or inspection of property if such a
14 search or inspection is one that is elsewhere authorized by law, either with or without the
15 consent of the person whose privacy would be thereby invaded, and is one for which such a
16 warrant is constitutionally required.

17 (b) The warrant may be issued by any magistrate of the General Court of Justice, judge,
18 clerk, or assistant or deputy clerk of any court of record whose territorial jurisdiction
19 encompasses the property to be inspected.

20 (c) The issuing officer shall issue the warrant when he is satisfied the following
21 conditions are met:

- 22 (1) the one seeking the warrant must establish under oath or affirmation that the
23 property to be searched or inspected is to be searched or inspected as part of
24 a legally authorized program of inspection which naturally includes that
25 property, or that there is probable cause for believing that there is a
26 condition, object, activity or circumstance which legally justifies such a
27 search or inspection of that property;
- 28 (2) an affidavit indicating the basis for the establishment of one of the grounds
29 described in (1) above must be signed under oath or affirmation by the
30 affiant;
- 31 (3) the issuing official must examine the affiant under oath or affirmation to
32 verify the accuracy of the matters indicated by the statement in the affidavit.

33 (d) The warrant shall be validly issued only if it meets the following requirements:

- 34 (1) it must be signed by the issuing official and must bear the date and hour of
35 its issuance above his signature with a notation that the warrant is valid for
36 only 24 hours following its issuance;
- 37 (2) it must describe, either directly or by reference to the affidavit, the property
38 where the search or inspection is to occur and be accurate enough in
39 description so that the executor of the warrant and the owner or the
40 possessor of the property can reasonably determine from it what person or
41 property the warrant authorizes an inspection of;
- 42 (3) it must indicate the conditions, objects, activities or circumstances which the
43 inspection is intended to check or reveal;

1 (4) it must be attached to the affidavit required to be made in order to obtain the
2 warrant.

3 (e) Any warrant issued under this Section for a search or inspection shall be valid for
4 only 24 hours after its issuance, must be personally served upon the owner or possessor of the
5 property between the hours of 8:00 a.m. and 8:00 p.m., and must be returned within 48 hours.

6 (f) No facts discovered or evidence obtained in a search or inspection conducted under
7 authority of a warrant issued under this Section shall be competent as evidence in any civil,
8 criminal or administrative action, nor considered in imposing any civil, criminal, or
9 administrative sanction against any person, nor as a basis for further seeking to obtain any
10 warrant, if the warrant is invalid or if what is discovered or obtained is not a condition, object,
11 activity or circumstance which it was the legal purpose of the search or inspection to discover;
12 but this shall not prevent, any such facts or evidence to be so used when the warrant issued is
13 not constitutionally required in those circumstances.

14 (g) The warrants authorized under this Section shall not be regarded as search warrants
15 for the purposes of application of Article 4 of Chapter 15 of the General Statutes of North
16 Carolina."

17 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

18 **Sec. 3.** This Act shall become effective upon its ratification.

19 In the General Assembly read three times and ratified, this the 6th day of July, 1967.