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HOUSE BILL NO. 690

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact § 19.2-56, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to search warrant; search of place of abode; copy of affidavit to be part of warrant and served therewith; temporary sealing.

Patron—Zehr

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-56, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 19.2-56. (Effective until July 1, 2026) To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.

A. The judge, magistrate, or other official authorized to issue criminal warrants shall issue a search warrant only if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof. If a search warrant is issued for electronic records of a foreign corporation, as described in § 19.2-53, such affidavit shall state that the complainant believes such records are actually or constructively possessed by such foreign corporation. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation, as described in § 19.2-53, shall be deemed to have been made in the same place where the search warrant was issued.

Every search warrant shall be directed (i) to the sheriff, sergeant, or any policeman of the county, city, or town in which the place to be searched is located; (ii) to any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff, sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of Justice, the United States Naval Criminal Investigative Service, the United States Army Criminal Investigation Division, the United States Air Force Office of Special Investigations, or the U.S. Department of Homeland Security or any inspector, law-enforcement official, or police personnel of the United States Postal Service or the U.S. Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was

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seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (A) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued or (B) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

Any search warrant for electronic records or other information stored outside of the Commonwealth by a commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such commercial enterprise may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the commercial enterprise. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the commercial enterprise. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (I) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued or (II) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the entity on which the warrant is served is located.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

B. No law-enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. A search warrant for any place of abode authorized under this section shall require that a law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably designed to be heard by the occupants of such place to be searched prior to the execution of such search warrant.

After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law-enforcement officer shall give a copy of the search warrant and affidavit to the person to be searched or the owner of the place to be searched or, if the owner is not present, to at least one adult occupant of the place to be searched. If the place to be searched is unoccupied by an adult, the executing law-enforcement officer shall leave a copy of the search warrant and affidavit in a conspicuous place within or affixed to the place to be searched. *However, a copy of the affidavit shall not be given in any case where such affidavit has been sealed pursuant to § 19.2-54.*

Search warrants authorized under this section for the search of any place of abode shall be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. unless (i) a judge or a magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for

good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously.

A law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time, unless circumstances require the issuance of the warrant after 5:00 p.m., pursuant to the provisions of this subsection, in which case the law-enforcement officer may seek such authorization from a magistrate without first making reasonable efforts to locate a judge. Such reasonable efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.

Any evidence obtained from a search warrant executed in violation of this subsection shall not be admitted into evidence for the Commonwealth in any prosecution.

C. For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

§ 19.2-56. (Effective July 1, 2026) To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.

A. The judge, magistrate, or other official authorized to issue criminal warrants shall issue a search warrant only if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof. If a search warrant is issued for electronic records of a foreign corporation, as described in § 19.2-53, such affidavit shall state that the complainant believes such records are actually or constructively possessed by such foreign corporation. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation, as described in § 19.2-53, shall be deemed to have been made in the same place where the search warrant was issued.

Every search warrant shall be directed (i) to the sheriff, sergeant, or any policeman of the county, city, or town in which the place to be searched is located; (ii) to any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff, sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of Justice, the United States Naval Criminal Investigative Service, the United States Army Criminal Investigation Division, the United States Air Force Office of Special Investigations, or the U.S. Department of Homeland Security or any inspector, law-enforcement official, or police personnel of the United States Postal Service or the U.S. Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

183 Any search warrant for records or other information pertaining to a subscriber to, or customer of, an
184 electronic communication service or remote computing service, whether a domestic corporation or foreign
185 corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon
186 such service provider may be executed within or outside the Commonwealth by hand, United States mail,
187 commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding
188 the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date
189 of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was
190 seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording,
191 within three days after the materials ordered to be produced are received by the officer from the service
192 provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant
193 was (A) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to
194 the clerk of the circuit court of the county or city where the warrant was issued or (B) issued, if executed
195 outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in
196 computing the three-day filing period.

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198 corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued
199 under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

200 Any search warrant for electronic records or other information stored outside of the Commonwealth by a
201 commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has
202 transacted any business in the Commonwealth, to be executed upon such commercial enterprise may be
203 executed within or outside the Commonwealth by hand, United States mail, commercial delivery service,
204 facsimile, or other electronic means upon the commercial enterprise. Notwithstanding the provisions of
205 § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution
206 thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and
207 the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three
208 days after the materials ordered to be produced are received by the officer from the commercial enterprise.
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210 executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk
211 of the circuit court of the county or city where the warrant was issued or (II) issued, if executed outside the
212 Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the
213 three-day filing period.

214 Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information
215 pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in
216 § 6.2-1922, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424
217 may be executed within the Commonwealth by hand, United States mail, commercial delivery service,
218 facsimile, or other electronic means upon the financial institution, money transmitter, commercial business
219 providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date
220 of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was
221 seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording,
222 within three days after the materials ordered to be produced are received by the officer from the financial
223 institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The
224 return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed.
225 Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing
226 period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the
227 entity on which the warrant is served is located.

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229 search warrant to contain the date and time it was issued shall not render the warrant void, provided that the
230 date and time of issuing of said warrant is established by competent evidence.

231 The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the
232 affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith.
233 However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice
234 or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

235 Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by,
236 the officer who issued such search warrant.

237 B. No law-enforcement officer shall seek, execute, or participate in the execution of a no-knock search
238 warrant. A search warrant for any place of abode authorized under this section shall require that a law-
239 enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide
240 audible notice of his authority and purpose reasonably designed to be heard by the occupants of such place to
241 be searched prior to the execution of such search warrant.

242 After entering and securing the place to be searched and prior to undertaking any search or seizure
243 pursuant to the search warrant, the executing law-enforcement officer shall give a copy of the search warrant
244 and affidavit to the person to be searched or the owner of the place to be searched or, if the owner is not

245 present, to at least one adult occupant of the place to be searched. If the place to be searched is unoccupied by
246 an adult, the executing law-enforcement officer shall leave a copy of the search warrant and affidavit in a
247 conspicuous place within or affixed to the place to be searched. *However, a copy of the affidavit shall not be*
248 *given in any case where such affidavit has been sealed pursuant to § 19.2-54.*

249 Search warrants authorized under this section for the search of any place of abode shall be executed by
250 initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. unless (i) a judge or a
251 magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for
252 good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant,
253 law-enforcement officers lawfully entered and secured the place to be searched and remained at such place
254 continuously.

255 A law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to
256 execute the warrant at another time, unless circumstances require the issuance of the warrant after 5:00 p.m.,
257 pursuant to the provisions of this subsection, in which case the law-enforcement officer may seek such
258 authorization from a magistrate without first making reasonable efforts to locate a judge. Such reasonable
259 efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.

260 Any evidence obtained from a search warrant executed in violation of this subsection shall not be
261 admitted into evidence for the Commonwealth in any prosecution.

262 C. For the purposes of this section:

263 "Foreign corporation" means any corporation or other entity, whose primary place of business is located
264 outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service
265 agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the
266 Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to
267 transact business in the Commonwealth. The making of the contract or terms of service agreement or the
268 issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or
269 entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and
270 effect as if served personally within the Commonwealth.

271 "Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by
272 commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its
273 general manager in the Commonwealth, to any natural person designated by it as agent for the service of
274 process, or if such corporation has designated a corporate agent, to any person named in the latest annual
275 report filed pursuant to § 13.1-775.