

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 690]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 19.2-56, as it is currently effective and as it shall become effective, of the Code of Virginia is**
 9 **amended and reenacted as follows:**10 **§ 19.2-56. (Effective until July 1, 2026) To whom search warrant directed; what it shall command;**
 11 **warrant to show date and time of issuance; copy of affidavit to be part of warrant and served**
 12 **therewith; warrants not executed within 15 days.**13 A. The judge, magistrate, or other official authorized to issue criminal warrants shall issue a search
 14 warrant only if he finds from the facts or circumstances recited in the affidavit that there is probable cause for
 15 the issuance thereof. If a search warrant is issued for electronic records of a foreign corporation, as described
 16 in § 19.2-53, such affidavit shall state that the complainant believes such records are actually or
 17 constructively possessed by such foreign corporation. In order to comply with the requirements of § 19.2-54,
 18 any search of the records of a foreign corporation, as described in § 19.2-53, shall be deemed to have been
 19 made in the same place where the search warrant was issued.20 Every search warrant shall be directed (i) to the sheriff, sergeant, or any policeman of the county, city, or
 21 town in which the place to be searched is located; (ii) to any law-enforcement officer or agent employed by
 22 the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff,
 23 sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal
 24 Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of
 25 Justice, the United States Naval Criminal Investigative Service, the United States Army Criminal
 26 Investigation Division, the United States Air Force Office of Special Investigations, or the U.S. Department
 27 of Homeland Security or any inspector, law-enforcement official, or police personnel of the United States
 28 Postal Service or the U.S. Drug Enforcement Administration. The warrant shall (a) name the affiant, (b)
 29 recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been
 30 issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d)
 31 describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause
 32 to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to
 33 show that a person (named or described therein) has committed or is committing a crime or that the person to
 34 be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.35 The warrant shall command that the place be forthwith searched and that the objects or persons described
 36 in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of
 37 the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in
 38 relation to which the warrant was issued as provided in § 19.2-57.39 Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement
 40 officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff,
 41 sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer
 42 as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-
 43 enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be
 44 present during or participate in the execution of a warrant to search a place except (1) the owners and
 45 occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of
 46 the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide
 47 expertise in the conduct of the search.48 Any search warrant for records or other information pertaining to a subscriber to, or customer of, an
 49 electronic communication service or remote computing service, whether a domestic corporation or foreign
 50 corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon
 51 such service provider may be executed within or outside the Commonwealth by hand, United States mail,
 52 commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding
 53 the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date
 54 of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was
 55 seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording,
 56 within three days after the materials ordered to be produced are received by the officer from the service

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57 provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant
58 was (A) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to
59 the clerk of the circuit court of the county or city where the warrant was issued or (B) issued, if executed
60 outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in
61 computing the three-day filing period.

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

65 Any search warrant for electronic records or other information stored outside of the Commonwealth by a
66 commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has
67 transacted any business in the Commonwealth, to be executed upon such commercial enterprise may be
68 executed within or outside the Commonwealth by hand, United States mail, commercial delivery service,
69 facsimile, or other electronic means upon the commercial enterprise. Notwithstanding the provisions of
70 § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution
71 thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and
72 the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three
73 days after the materials ordered to be produced are received by the officer from the commercial enterprise.
74 The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (I)
75 executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk
76 of the circuit court of the county or city where the warrant was issued or (II) issued, if executed outside the
77 Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the
78 three-day filing period.

79 Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information
80 pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in
81 § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424
82 may be executed within the Commonwealth by hand, United States mail, commercial delivery service,
83 facsimile, or other electronic means upon the financial institution, money transmitter, commercial business
84 providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date
85 of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was
86 seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording,
87 within three days after the materials ordered to be produced are received by the officer from the financial
88 institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The
89 return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed.
90 Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing
91 period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the
92 entity on which the warrant is served is located.

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

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

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

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

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

114 Search warrants authorized under this section for the search of any place of abode shall be executed by
115 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
116 magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for
117 good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant,
118 law-enforcement officers lawfully entered and secured the place to be searched and remained at such place

119 continuously.

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

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

128 C. For the purposes of this section:

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

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

142 **§ 19.2-56. (Effective July 1, 2026) To whom search warrant directed; what it shall command;
143 warrant to show date and time of issuance; copy of affidavit to be part of warrant and served
144 therewith; warrants not executed within 15 days.**

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

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

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

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

180 Any search warrant for records or other information pertaining to a subscriber to, or customer of, an

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

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195 corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued
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200 executed within or outside the Commonwealth by hand, United States mail, commercial delivery service,
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202 § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution
203 thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and
204 the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three
205 days after the materials ordered to be produced are received by the officer from the commercial enterprise.
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207 executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk
208 of the circuit court of the county or city where the warrant was issued or (II) issued, if executed outside the
209 Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the
210 three-day filing period.

211 Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information
212 pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in
213 § 6.2-1922, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424
214 may be executed within the Commonwealth by hand, United States mail, commercial delivery service,
215 facsimile, or other electronic means upon the financial institution, money transmitter, commercial business
216 providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date
217 of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was
218 seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording,
219 within three days after the materials ordered to be produced are received by the officer from the financial
220 institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The
221 return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed.
222 Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing
223 period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the
224 entity on which the warrant is served is located.

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

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

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

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

239 After entering and securing the place to be searched and prior to undertaking any search or seizure
240 pursuant to the search warrant, the executing law-enforcement officer shall give a copy of the search warrant
241 and affidavit to the person to be searched or the owner of the place to be searched or, if the owner is not
242 present, to at least one adult occupant of the place to be searched. If the place to be searched is unoccupied by

243 an adult, the executing law-enforcement officer shall leave a copy of the search warrant and affidavit in a
244 conspicuous place within or affixed to the place to be searched. *However, a copy of the affidavit shall not be*
245 *given or left in any case where such affidavit has been sealed pursuant to § 19.2-54.*

246 Search warrants authorized under this section for the search of any place of abode shall be executed by
247 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
248 magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for
249 good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant,
250 law-enforcement officers lawfully entered and secured the place to be searched and remained at such place
251 continuously.

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

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

260 C. For the purposes of this section:

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

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

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