

Nevada

SEARCH WARRANT GUIDE

ANTHONY BANDIERO, ESQ.

Fourth Amendment
the people to be secure in
houses, papers, and effects against
unreasonable searches and seizures, shall not
be
and no Warrants

Nevada Search Warrant Guide

A REFERENCE FOR LAW ENFORCEMENT



Anthony Bandiero, JD, ALM

Blue to Gold Law Enforcement Training, LLC
SPOKANE, WASHINGTON

Copyright © 2024 by Anthony Bandiero.

All rights reserved. No part of this publication may be reproduced, distributed or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law. For permission requests, write to the publisher, addressed "Attention: Permissions Coordinator," at the address below.

Blue to Gold, LLC
1818 West Francis Ave #101 Spokane, WA 99205
info@bluetogold.com
www.bluetogold.com

Ordering Information:

Quantity sales. Special discounts are available on quantity purchases by government agencies, police associations, and others. For details, contact us at the address above.

Nevada Search Warrant Guide
ISBN 979-8592919831
Last updated 12-2024

Additional Training Resources

We offer the Nation's best search and seizure training. View our training calendar!

Visit bluetogold.com

Is your agency interested in hosting one of our training classes?

Call 888-579-7796 or email training@bluetogold.com

Want to purchase this book for your agency?

Call 888-579-7796 for bulk discount rates

— Anthony Bandiero

TABLE OF CONTENTS



PART I

Common Search Warrant Questions

Application Procedure	1
The Search Warrant	2
Execution of Search Warrant	3
Return and Records Procedure	6



PART II

N.R.S. Rules Related to Arrest and Search Warrants

179.011. Definition of “No-knock warrant”	12
179.015. Definition of “Property”	13
179.025. Authority for issuance	14
179.035. Grounds for issuance	15
179.045. Issuance and contents	16
179.049. Issuance of no-knock warrant	18
179.055. Officer may break door to serve warrant	20
179.063. Officer prohibited from performing body cavity.....	21
179.065. Person charged with felony may be searched	22
179.075. Execution and return of warrant with inventory.....	23
179.077. Execution and return of warrant for collection of biological specimen	24
179.079. Additional requirements for execution	25
179.085. Motions for return of property and to suppress evidence	26
179.095. Return of papers to clerk	28
179.105. Retention of property	29
179.115. Scope	30
179.11512. Definition of “Property”	31
179.11514. Grounds for issuance and contents	32

Nevada Search Warrant Laws

179.11516. Execution of warrant	33
179.11518. Return of property subject to Attorney -Client Privilege	34



PART I

Common Search Warrant Questions

Application Procedure	
1) Who may apply?	No express provision
2) Who has the authority to issue?	Any magistrate (§ 179.025)
3) Is an affidavit necessary?	Yes (§ 179.045(1))
4) Can sworn oral testimony replace an affidavit?	Yes. If recorded, transcribed, and certified by issuing magistrate (§ 179.045(2)) Note: such statement must be filed with clerk of court
5) Are there special provisions for obtaining a warrant by telephone?	Secure electronic transmission may be used for application for and issuance of warrant (§ 179.045(2)); magistrate may orally authorize a peace officer to sign the magistrate’s name to a duplicate original warrant (§ 179.045(4)) Note: upon return, issuing magistrate must sign and date the duplicate original warrant
6) What property can be	—Stolen or embezzled

Nevada Search Warrant Laws

seized?	—Designed, intended for use, or used in a crime —Evidence of a crime or participation in a crime (§ 179.035)
<hr/> 7) Contents of application <hr/>	
a) Who or what is to be searched?	Const. art. 1, § 18
b) State the items being sought?	Const. art. 1, § 18
c) State the basis for probable cause?	Yes (§ 179.045(1))
d) Are there additional requirements?	Affidavit or other testimony (§§ 179.045(1), 179.045(2))

The Search Warrant

1) Does it require a standard format?	Yes (§ 179.330)
2) Required contents	—Direction to executing officer —Statement of grounds for issuance (or incorporate affidavit) —Time and date of issuance —Names of affiants (or incorporate affidavits) —Person/place to be searched —Property to be seized

Nevada Search Warrant Laws

- Direction that warrant be served in the daytime (unless otherwise specified)
 - Magistrate to whom warrant is to be returned
 - County of warrant's applicability
- (§§ 179.045, 179.330)
-

Execution of Search Warrant

1) How soon must search warrant be executed?	Within 10 days after its date (§ 179.075) If warrant provides for collection of biological specimen from person, it may be executed and returned within 6 months (§ 179.1)
2) Who may execute?	Any peace officer in the county where the warrant is to be executed or any field agent or inspector designated by the director of the department of agriculture (§§ 179.045(6), 289.290(1))
3) Where is the search warrant applicable?	Within county specified in the warrant (§ 179.045(6))
4) When may warrant be executed?	
a) Is execution limited during daytime?	Yes. Between 7:00 A.M. and 7:00 P.M. (§ 179.045(7))

Nevada Search Warrant Laws

b) Is execution limited during nighttime?	Yes. If, upon a showing of good cause, magistrate so directs in the warrant (§ 179.045(7))
5) Is forced or unannounced entry allowed under the warrant?	<p>No-knock warrant may not be issued unless affidavit:</p> <ul style="list-style-type: none">—Demonstrates offense is a felony involving significant and imminent threat to public safety—Identifying presence of police likely to create imminent threat of substantial bodily harm—Specifies why no reasonable alternatives to no-knock warrant—States whether warrant can be executed during day and if not specifies circumstances precluding execution during day—Certifies execution under guidance of officer trained in execution of warrants <p>(§§ 171.106(3), 179.045(6)(f))</p> <p>Executing officer may break any outer or inner door or window of a house or any part thereof:</p>



PART II

N.R.S. 179.011

“No-knock warrant” defined

“No-knock warrant” means a search warrant which authorizes a peace officer to enter a premises without first:

1. Knocking on the door or ringing the doorbell and identifying the presence of the peace officer; or
2. Identifying the presence of the peace officer and stating the intended purpose of the peace officer for entering the premises.

N.R.S. 179.015
“Property” defined

“Property” includes documents, books, papers and any other tangible objects.

N.R.S. 179.025
Authority for issuance

A search warrant authorized by NRS 179.005 to 179.115, inclusive, may be issued by a magistrate of the State of Nevada.

N.R.S. 179.035
Grounds for issuance

A warrant may be issued under NRS 179.005 to 179.115, inclusive, to search for and seize any property:

1. Stolen or embezzled in violation of the laws of the State of Nevada, or of any other state or of the United States;
2. Designed or intended for use or which is or has been used as the means of committing a criminal offense; or
3. When the property or things to be seized consist of any item or constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense.




ABOUT THE AUTHOR

Anthony Bandiero, JD, ALM

Anthony is an attorney and retired law enforcement officer with experience as both a municipal police officer and sergeant with a state police agency. Anthony has studied constitutional law for over twenty years and has trained countless police officers around the nation in search and seizure.

View his bio at BlueToGold.com/about



Nevada

SEARCH WARRANT

G U I D E

This booklet is a straightforward and essential resource for anyone involved in writing or executing search warrants in Nevada. Consolidating relevant statutes and procedural rules and offering clear answers to common questions and addressing real-world challenges.

Designed to be a quick reference, this booklet covers key topics such as warrant application, execution, and return procedures, as well as critical provisions from the Nevada Code and Nevada Rules of Criminal Procedure. Whether clarifying authority to issue warrants, addressing defects, or ensuring compliance with execution and return requirements, this guide provides the tools you need for accuracy and legal compliance.



Visit: Bluetogold.com
Training | Legal Updates | Free Webinars