

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

**INSTRUCTIONS FOR
APPLICATION FOR ADMINISTRATIVE INSPECTION WARRANT
AND SUPPORT AFFIDAVIT**

A person seeking an Administrative Inspection Warrant shall appear personally before any judge of the Circuit Court - District Division or Superior Court and shall give an affidavit in substantially the form hereinafter prescribed. The affidavit shall contain statements that the inspection, testing or sampling is required by law or specifically authorized by law, that consent has been sought and refused, or reasons why consent has not been requested or obtained.

If the inspection, testing or sampling is to be made at night, or forced entry is needed, the reasons for these requests must be stated. The affidavit may be supplemented by oral statements of fact under oath for the establishment of probable cause or other requirements. The judge issuing the warrant shall retain the affidavit and shall take notes personally of the substance of any oral statements taken under oath supplementing the written statements. The judge issuing the inspection warrant shall deliver the affidavit and the notes or transcript within the three days after the issuance of the warrant to the court to which the warrant is returnable. Upon the return of said warrant, the affidavit and the notes or transcript shall be filed therewith, and they shall be a public record when the warrant is returned, unless otherwise ordered by the court.

The warrant shall be returned to the court to which it is returnable within seven (7) days of the date of issuance unless extended or renewed by the issuing magistrate upon a finding that an extension or renewal is in the public interest.

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Court Name: _____
Case Name: _____
Case Number: _____
(if known)

APPLICATION AND AFFIDAVIT

1. The undersigned hereby requests an **Administrative Inspection Warrant** pursuant to RSA 595-B. The purpose of the Inspection is:

2. I am an employee or official of _____
(state agency, municipality or political subdivision)

3. The place, dwelling, structure, premises, vehicle, or records to be inspected is:

4. *(If applicable)* The time and manner of testing or sampling requested to be ordered is as follows:

5. The following statute, administrative rule, administrative order, or municipal ordinance, code, or regulation authorizes me to seek an administrative warrant and to undertake the inspection, testing, or sampling requested.

6. Choose one of the following:

Legislative or administrative standards for conducting a routine or area inspection, testing, or sampling are satisfied by the following facts and circumstances

OR

There is probable cause to believe that a condition of nonconformity exists.

Facts and circumstances:

Case Name: _____

Case Number: _____

APPLICATION AND AFFIDAVIT

Choose one of the following:

Consent to inspect has been sought and refused.

OR

The following facts and circumstances reasonably justify failure to seek or obtain consent:

7. *(If applicable)* For the following reasons, it is reasonably necessary for inspection, testing, and sampling to be conducted between the hours of 6:00 p.m. and 8:00 a.m.:

8. *(If applicable)* For the following reasons, forcible entry is necessary. Facts that suggest a probable violation of state law or rule, or municipal ordinance, code, or regulation, which if such violation existed would present an immediate threat to public health or safety, or which establish that reasonable attempts to serve a previous warrant have been unsuccessful are as follows:

Signature of Applicant

Typewritten Name and Title of Applicant

9. Upon further examination the applicant testified under oath as follows (if none, so state):

Then personally appeared the above named _____
and made oath that the foregoing affidavit and additional testimony if any, by him/her subscribed is true.

[Court Seal]

Date

Signature of Judge

Printed Name of Judge