

By: Representatives Sanford, Hale, Stamps

To: Judiciary B

HOUSE BILL NO. 799

1 AN ACT TO AUTHORIZE THE ISSUANCE OF SEARCH WARRANTS UPON ORAL
2 TESTIMONY FOR INVESTIGATION OF SEX OFFENSES AGAINST CHILDREN
3 INVOLVING A COMPUTER AND OTHER COMPUTER CRIMES; TO PRESCRIBE A
4 PROCEDURE FOR THE ISSUANCE OF THE WARRANTS; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) The provisions of this section shall only
8 apply to search warrants issued in relation to computer crimes
9 investigations defined in paragraph (a) of subsection (1) of
10 Section 7-5-59.

11 (2) If circumstances make it reasonable to dispense, in
12 whole or in part, with a written affidavit, a judge who is
13 authorized to issue search warrants may issue a warrant based upon
14 sworn testimony communicated by telephone or other appropriate
15 means, including facsimile transmission.

16 (3) The person who is requesting the warrant shall prepare a
17 document to be known as a "duplicate original warrant" and shall
18 read such duplicate original warrant verbatim to the issuing
19 judge. The judge shall enter what is so read on a document to be



20 known as the "original warrant." The issuing judge may direct
21 that the warrant be modified.

22 (4) If the judge is satisfied that the circumstances are
23 such as to make it reasonable to dispense with a written affidavit
24 and the grounds for the application exist or that there is
25 probable cause to believe that they exist, the judge shall order
26 the issuance of a warrant by directing the person requesting the
27 warrant to sign the judge's name on the duplicate original
28 warrant. The judge shall immediately sign the original warrant
29 and enter on the face of the original warrant the exact time the
30 warrant was ordered to be issued. The finding of probable cause
31 for a warrant upon oral testimony may be based on the same kind of
32 evidence as is sufficient for a warrant upon affidavit.

33 (5) When a telephone caller informs the judge that the
34 purpose of the telephone call is to request a warrant, the judge
35 shall immediately place under oath each person whose testimony
36 forms a basis of the application and each person applying for the
37 warrant. If a voice recording device is available, the judge shall
38 record by means of such device all of the call after the caller
39 informs the judge that the purpose of the call is to request a
40 warrant. Otherwise, a stenographic or longhand verbatim record
41 shall be made. If a voice recording device is used or a
42 stenographic record made, the judge shall have the record
43 transcribed, shall certify the accuracy of the transcription, and
44 shall file a copy of the original record and the transcription



45 with the court. If a longhand verbatim record is made, the judge
46 shall file a signed copy with the court.

47 (6) The contents of a warrant upon oral testimony shall be
48 the same as the contents of a warrant upon affidavit.

49 (7) The person who executes the warrant shall enter the
50 exact time of execution on the face of the duplicate original
51 warrant.

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2022.

