

By: Representative Deweese

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1139

1 AN ACT TO AUTHORIZE THE USE OF ELECTRONIC SIGNATURES FOR  
2 WARRANT APPLICATIONS FOR A VIOLATION OF THE IMPLIED CONSENT LAW;  
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) An application for a warrant or signature  
6 utilized by the judicial branch of state government for a  
7 violation of the Implied Consent Law shall not be denied legal  
8 effect or enforceability solely because it is in electronic form.  
9 Any such application, signature or record in electronic form shall  
10 have the full effect of law.

11 (2) If a provision of law for a violation of the Implied  
12 Consent Law requires the application for any warrant to be in  
13 writing, an electronic record shall satisfy such provision of law.

14 (3) If a provision of law for a violation of the Implied  
15 Consent Law requires a signature, an electronic signature  
16 satisfies such provision of law.

17 (4) Any application used to attach a digital signature to  
18 any warrant or affidavit for a violation of the Implied Consent



19 Law must have security procedures in place that ensure the  
20 authenticity of the digital signature. The application must also  
21 be able to keep an electronic record of the warrant or affidavit,  
22 including the time and date of when the signature was attached.  
23 The application must also include encryption measures to ensure  
24 secure access of the application.

25 (5) Unless otherwise agreed to by a sender of a warrant  
26 application and the judge, an electronic record is received when:

27 (a) The record enters an information-processing system  
28 that the local court rules have designated and approved for the  
29 purpose of receiving electronic applications for warrants and from  
30 which the recipient is able to retrieve the electronic record; and

31 (b) It is in a form capable of being processed by the  
32 system.

33 (6) In any instance where an affidavit is submitted to a  
34 judge electronically, the electronic signature of the affiant  
35 shall satisfy the constitutional requirement that the testimony of  
36 the affiant be made under oath, provided that such signature is  
37 made under penalty of perjury and in compliance with subsection  
38 (4) of this section. If the requirements of subsection (4) of  
39 this section are met, it shall not be necessary for the oath to be  
40 made orally for the affidavit to have legal effect.

41 (7) This section shall stand repealed from and after July 1,  
42 2024.



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

