

By: Representative Deweese

To: Judiciary B

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 OR
3 ANY OTHER MATTER WHERE TIME IS OF THE ESSENCE; AND FOR RELATED
4 PURPOSES.

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

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

13 (2) If a provision of law for a violation of the Implied
14 Consent Law or any other matter where time is of the essence
15 requires the application for any warrant to be in writing, an
16 electronic record shall satisfy such provision of law.

17 (3) If a provision of law for a violation of the Implied
18 Consent Law or any other matter where time is of the essence



19 requires a signature, an electronic signature satisfies such
20 provision of law.

21 (4) Any application used to attach a digital signature to
22 any warrant or affidavit for a violation of the Implied Consent
23 Law or any other matter where time is of the essence must have
24 security procedures in place that ensure the authenticity of the
25 digital signature. The application must also be able to keep an
26 electronic record of the warrant or affidavit, including the time
27 and date of when the signature was attached. The application must
28 also include encryption measures to ensure secure access of the
29 application.

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

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

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

38 (6) In any instance where an affidavit is submitted to a
39 judge electronically, the electronic signature of the affiant
40 shall satisfy the constitutional requirement that the testimony of
41 the affiant be made under oath, provided that such signature is
42 made under penalty of perjury and in compliance with subsection
43 (4) of this section. If the requirements of subsection (4) of



44 this section are met, it shall not be necessary for the oath to be
45 made orally for the affidavit to have legal effect.

46 (7) This section shall stand repealed from and after July 1,
47 2024.

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

