

By: Representative Deweese

To: Judiciary B

HOUSE BILL NO. 1139
(As Passed the House)

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) In any municipality in which Highway 6 and
6 Highway 7 intersect and in which a university is located, an
7 application for a warrant or signature utilized by the judicial
8 branch of state government for a violation of the Implied Consent
9 Law shall not be denied legal effect or enforceability solely
10 because it is in electronic form. Any such application, signature
11 or record in electronic form shall have the full effect of law.

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

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



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

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

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

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

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



42 (7) This section shall stand repealed from and after July 1,
43 2024.

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

