

By: Senator(s) Fillingane, Branning

To: Judiciary, Division B

SENATE BILL NO. 2246  
(As Passed the Senate)

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; TO PRESCRIBE A PROCEDURE FOR THE ISSUANCE OF  
4 THE WARRANTS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) The provisions of this section shall only  
7 apply to search warrants issued in relation to computer crime  
8 investigations for sex offenses against children involving a  
9 computer defined in Section 7-5-59(1) (a).

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

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



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

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

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



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

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

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

51 **SECTION 2.** This act shall take effect and be in force from  
52 and after its passage.

