

Senate Amendments to House Bill No. 799

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

SS26\HB799A.J

Eugene S. Clarke
Secretary of the Senate