

By: Senator(s) Blackwell

To: Judiciary, Division B

SENATE BILL NO. 2133

1 AN ACT TO AUTHORIZE THE USE OF ELECTRONIC SIGNATURES FOR
2 WARRANT APPLICATIONS; AND FOR RELATED PURPOSES.

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

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

9 (2) If a provision of law requires the application for any
10 warrant to be in writing, an electronic record shall satisfy such
11 provision of law.

12 (3) If a provision of law requires a signature, an
13 electronic signature satisfies such provision of law.

14 (4) Any application used to attach a digital signature to
15 any warrant or affidavit must have security procedures in place
16 that ensure the authenticity of the digital signature. The
17 application must also be able to keep an electronic record of the
18 warrant or affidavit, including the time and date of when the



19 signature was attached. The application must also include
20 encryption measures to ensure secure access of the application.

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

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

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

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

37 **SECTION 2.** This act shall take effect and be in force from
38 and after July 1, 2023.

