

## Senate Amendments to House Bill No. 295

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

11           (2) If a provision of law requires the application for any  
12 felony warrant to be in writing, an electronic version of the  
13 written record shall satisfy such provision of law.

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

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

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

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

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

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

39 (7) An application for any felony warrant or signature made  
40 pursuant to this section shall contain a statement that the  
41 application is being made for a felony criminal investigation.

42 (8) Before any electronic felony warrant shall be issued  
43 pursuant to this section, the applicant shall be required to meet  
44 with a judge. The meeting required by this subsection may be  
45 through the use of video or teleconference devices.

46 **SECTION 2.** This act shall take effect and be in force from  
47 and after July 1, 2024, and shall stand repealed on June 30, 2024.

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

1           AN ACT TO AUTHORIZE THE USE OF ELECTRONIC WARRANT  
2 APPLICATIONS, ELECTRONIC SIGNATURES FOR THE APPLICATIONS AND  
3 ELECTRONIC VERSIONS OF WRITTEN RECORDS OF THE WARRANTS; AND FOR  
4 RELATED PURPOSES.

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Amanda White  
Secretary of the Senate