

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 295

BY: Committee

**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.

**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.

