

By: Representative Anderson (122nd)

To: Judiciary B

HOUSE BILL NO. 295
(As Sent to Governor)

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.

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

6 **SECTION 1.** (1) An application for a felony warrant or
7 signature utilized by the judicial branch of state government
8 other than an application for a no-knock warrant shall not be
9 denied legal effect or enforceability solely because it is in
10 electronic form. An application, signature or record in
11 electronic form shall have the full effect of law.

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

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

17 (4) An application used to attach a digital signature to a
18 felony warrant or affidavit must have security procedures in place
19 that ensure the authenticity of the digital signature. The



20 application must also be able to keep an electronic record of the
21 warrant or affidavit, including the time and date of when the
22 signature was attached. The application must also include
23 encryption measures to ensure secure access of the application.

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

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

30 (b) It is in a form capable of being processed by the
31 system, and in a form that satisfies the provisions of the
32 Mississippi Public Records Act of 1983.

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

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



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

48 (9) This section shall not authorize the issuance of
49 no-knock warrants by the use of electronic warrant applications or
50 electronic signatures for the applications.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after July 1, 2024.

