REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 295: Arrest warrants; authorize electronic applications, signatures and records for.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.

2. That the House and Senate adopt the following amendment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONFEREES FOR THE HOUSE	CONFEREES FOR THE SENATE
X (SIGNED) Horan	X (SIGNED) Fillingane
X (SIGNED) Owen	X (SIGNED) Sparks
X (SIGNED) Grady	X (SIGNED) Simmons (12th)