
DIGEST

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Mack

HB No. 90

Abstract: Provides for the issuance of search warrants based upon electronic testimony.

Present law provides for the issuance of search warrants based upon oral or written testimony.

Proposed law provides that a search warrant may issue upon probable cause established to the satisfaction of the judge by the electronic testimony of a credible person reciting facts establishing the cause for issuance of the warrant.

Proposed law provides for the contents of the application for the warrant and provides procedures for the issuance of warrants based upon electronic testimony. Requires the applicant to reduce the request to writing and include a written reproduction in the file within 48 hours of the issuance of the warrant.

Proposed law provides that the electronic testimony shall serve as the equivalent of the applicant having been administered an oath or affirmation, swearing that the facts contained in the electronic testimony are true and correct to the best of his knowledge, subject to the penalties for perjury or false swearing.

Proposed law provides that if the judge finds probable cause and approves the issuance of the warrant, he shall affix his electronic signature to the warrant and return it immediately to the applicant.

(Adds C.Cr.P. Art. 162.2)