

By: Representative Anderson (122nd)

To: Judiciary B

HOUSE BILL NO. 295
(As Passed the House)

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 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



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.

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

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

