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Legislative Document

No. 860

H.P. 609

House of Representatives, March 7, 2017

An Act To Establish a Statewide Electronic Warrant System

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GERRISH of Lebanon.
Cosponsored by Senator ROSEN of Hancock and
Representatives: COREY of Windham, FOLEY of Wells, HERRICK of Paris, MAREAN of
Hollis, PICKETT of Dixfield, RECKITT of South Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §17, sub-§16**, as amended by PL 1993, c. 675, Pt. C, §8, is
3 further amended to read:

4 **16. Report on out-of-state travel.** Submit to the joint standing committee of the
5 Legislature having jurisdiction over appropriations and financial affairs a quarterly report
6 on out-of-state travel activity of the Judicial Department. The report must be submitted
7 within 15 days after the end of each quarter and must include, for each individual who
8 has been authorized to travel, the destination, purpose and cost by funding source of each
9 trip; ~~and~~

10 **Sec. 2. 4 MRSA §17, sub-§17, ¶C**, as enacted by PL 1993, c. 675, Pt. C, §9, is
11 amended to read:

12 C. The statement on proposed legislation prepared by the State Court Administrator
13 must be considered in the preparation of the fiscal note included in a committee
14 amendment or other amendment if the legislation or amendment has a fiscal impact
15 on the judicial system, as determined by the State Court Administrator; and

16 **Sec. 3. 4 MRSA §17, sub-§18** is enacted to read:

17 **18. Statewide electronic warrant system.** Establish a secure system for the
18 application, issuance and return of arrest warrants and search warrants that is electronic
19 and that provides access to authorized users statewide.

20 A. For the purposes of this subsection, "electronic signature" means an electronic
21 sound, symbol or process attached to or logically associated with a document and
22 executed or adopted by a person with the intent to sign the document, including but
23 not limited to an electronic representation of an actual handwritten signature that is
24 captured at the time of signature by the person or is digitally reproduced from a
25 previously saved signature.

26 B. The state electronic warrant system established pursuant to this subsection must:

27 (1) Provide for personal appearance and authorization by means of
28 telecommunication or electronic communication;

29 (2) Provide for secure access for authorized users, at varying levels of
30 authorization, and guard the integrity of applications and all information and
31 documents related to the applications;

32 (3) Provide for submission of information and evidence to support the
33 application in electronic form;

34 (4) Require a showing of probable cause, based on oath or affirmation, which
35 may be provided in electronic format;

36 (5) Provide for electronic signature by the applicant;

37 (6) Provide a method for the issuing official to disapprove, approve or approve
38 with modifications the application, the means for electronic signature by the
39 issuing official and a mechanism for electronic issuance;

1 (7) Provide a mechanism for the applicant to obtain the issued arrest warrant or
2 search warrant and a mechanism for return by the applicant when the warrant has
3 been executed or, if the warrant was not served within the time period stated in
4 the warrant, a mechanism to return the warrant unserved; and

5 (8) Provide a mechanism for the retention of all information submitted to or
6 communicated by or within the system.

7 **Sec. 4. 15 MRSA §55**, as amended by PL 1995, c. 388, §3 and affected by §8, is
8 further amended to read:

9 **§55. Search warrants; issuance by district judge or justice of the peace**

10 A judge of the District Court or a justice of the peace shall issue search warrants for
11 any place in the State for such purposes as the Constitution of the United States and the
12 Constitution of Maine permit, including with respect to any violation over which the
13 Passamaquoddy Tribe or the Penobscot Nation exercises exclusive jurisdiction under
14 Title 30, section 6209-A or 6209-B. The evidence presented to the magistrate in support
15 of the search warrant may consist of affidavits and other evidence under oath or
16 affirmation that is capable of being reduced to a record for purposes of review. The
17 application for the search warrant and supporting information and evidence must be
18 submitted in accordance with rules adopted by the Supreme Judicial Court, except that
19 following the establishment of a statewide electronic warrant system as provided in Title
20 4, section 17, subsection 18, the filing of the application and supporting information and
21 evidence must be done electronically and the warrant issued and returned electronically.
22 The Supreme Judicial Court shall by rule provide the procedure of the application for and
23 issuance of search warrants; ~~provided~~ except that, when no procedure is specified, the
24 judge or justice of the peace shall proceed in any reasonable manner that is authorized by
25 this section, that conforms to the requirements of Title 4, section 17, subsection 18 and
26 that will allow the issuance of a search warrant for any constitutional purpose.

27 **Sec. 5. Rule amendments.** The Supreme Judicial Court shall adopt amendments
28 to the Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons,
29 effective on the date of the establishment of the statewide electronic warrant system
30 pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 18, to provide for
31 the application, issuance and return of arrest warrants and search warrants through
32 electronic means.

33 **SUMMARY**

34 This bill directs the State Court Administrator to establish a secure system for the
35 application, issuance and return of arrest warrants and search warrants that is electronic
36 and that provides access to authorized users statewide. The bill amends the law on search
37 warrants to require electronic application and issuance once the electronic system has
38 been established. The bill directs the Supreme Judicial Court to adopt amendments to the
39 Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons,
40 effective on the date of the establishment of the statewide electronic warrant system, to
41 provide for the application, issuance and return of arrest warrants and search warrants
42 through electronic means.