

**HOUSE BILL NO. 114**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST

Introduced: 2/19/03

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the issuance of a search warrant."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 12.35.015(a) is amended to read:

4 (a) A judicial officer may issue a search warrant upon the sworn [ORAL  
5 TESTIMONY OF A PERSON COMMUNICATED BY TELEPHONE OR OTHER  
6 APPROPRIATE MEANS, OR SWORN] affidavit transmitted by facsimile machine.

7 **A judicial officer may issue a search warrant upon the sworn oral testimony of a**  
8 **person communicated by telephone or other appropriate means** [,] if the judicial  
9 officer finds that there is probable cause to believe that

10 (1) the presentation of the applicant's [AFFIDAVIT OR] testimony  
11 personally before the judicial officer would result in **a significant** delay in obtaining  
12 **or executing** a search warrant [AND IN EXECUTING THE SEARCH]; and

13 (2) the delay might result in loss or destruction of the evidence subject  
14 to seizure **or might interfere with an ongoing investigation.**