

CS FOR HOUSE BILL NO. 114(JUD)(title am)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/2/03

Offered: 3/24/03

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the issuance of a search warrant upon the sworn testimony or**
2 **affidavit of a person communicated by telephone, other appropriate means, or facsimile**
3 **machine."**

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

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

6 (a) A judicial officer may issue a search warrant upon the sworn oral
7 testimony of a person communicated by telephone or other appropriate means, or
8 sworn affidavit transmitted by facsimile machine, if the judicial officer finds that there
9 is probable cause to believe that

10 (1) the presentation of the applicant's affidavit or testimony personally
11 before the judicial officer would result in a delay in obtaining **or executing** a search
12 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.**