

HB

169

Delivered To Senate Secretary 4-30/91

SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE

BILL NUMBER: HB 169
ABBREVIATED TITLE:

Search Warrant FAX

SPONSER: HSE SUD ORIGINAL RECEIVED: April 15, 1991
WRITTEN REQUEST TO SCHEDULE REC'D: _____ FROM: _____
SPONSER'S STATEMENT REC'D: _____ FROM: _____
SECTIONAL ANALYSIS RQST'D: _____ FROM: _____
SECTIONAL ANALYSIS RECEIVED: _____

FISCAL NOTE (ORIGINAL)
RQST'D OF: _____ REC'D FROM: Pub. Sec. & DATE: With Bill
RQST'D OF: _____ REC'D FROM: County & DATE: With Bill -
RQST'D OF: _____ REC'D FROM: _____ DATE: _____

FISCAL NOTE (C.S.)
RQST'D OF: _____ REC'D FROM: _____ DATE: _____
RQST'D OF: _____ REC'D FROM: _____ DATE: _____
RQST'D OF: _____ REC'D FROM: _____ DATE: _____

FIVE DAY NOTICE GIVEN: See House NOTICE OF HEARINGS GIVEN: 18 April -
COMMITTEES OF REFERRAL: FIRST: And SECOND: _____ THIRD: _____

COMMITTEE ACTION Legislative Draftsman

DATE: 4-30-91
Passed on final Rec -
Carlin, Rode, Halford, DePass, etc - Absent

PERSONS TO BE NOTIFIED OF HEARING

- 1. SPONSOR HSE fund -
- 2. AGENCY _____
- 3. Marag Knuth - 3960
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

Revision Date: _____ Department Affected: Public Safety
 Title: An Act relating to the issuance of a search warrant by facsimile machine. BRU: Alaska State Troopers
 Sponsor: House Judiciary Component: Detachments
 Requestor: House Judiciary

| | | | | |
|----------------------|--|---|---|---|
| COMPONENT SERIAL NO. | | 7 | 9 | 9 |
|----------------------|--|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

| OPERATING | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER/PROG RCPT | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

This bill would explicitly allow the use of facsimile machines to transmit search warrants under certain conditions. Use of fax machines in this manner would lead to a more efficient use of state trooper time; it is not expected to have a distinct fiscal impact, however.

Prepared by: Gavle A. Horetski

Phone: 465-4322

Division: Commissioner's Office

Date: 3/5/91

Approved by Commissioner: *Richard L. Burton*

Richard L. Burton

Agency: Department of Public Safety

Date: 3/5/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 2

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: CSHB 169(JUD)
(H) Publish Date: 3/11/91

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the issuance of BRU: Trial Courts
search warrant by facsimile machine Components: _____
 Sponsor: By Judiciary Committee by request
 Requestor: Judiciary COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS & CLAIMS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUNDS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

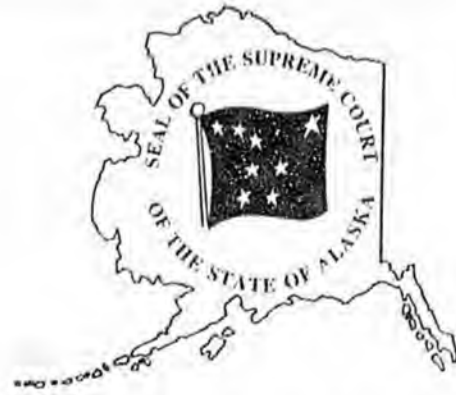
No fiscal in.pact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Division: Alaska Court System Date: 03/04/91

Approved by: Arthur H. Snowden, II, Administrative Director *Stephanie Cole for*
 Agency: Alaska Court System Date: 03/04/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

COMMITTEE COPY



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
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April 16, 1991

The Honorable Rick Halford
Chairman, Senate Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Senator Halford:

I am writing to request that the Judiciary Committee schedule House Bill 169, relating to the issuance of a search warrant by facsimile machine, at its earliest convenience.

At the present time, AS 12.35.015 provides that search warrants may be issued upon sworn oral testimony communicated by telephone. A common example involves a trooper in a remote community without a judicial officer who must call a court in another community in order to apply for a search warrant.

Unfortunately, this statute was adopted before the common availability of facsimile machines. As a result, it requires the applicant to prepare a "duplicate original search warrant" and read it verbatim, along with any supporting affidavits, to the judicial officer at the distant location. The judicial officer enters what is read on an original search warrant. If the judicial officer makes changes in the course of the hearing, the applicant is directed to modify the duplicate original. The judicial officer then signs the original warrant, indicates the exact time of signing, and orally authorizes the applicant to sign the judicial officer's name and enter the same time on the duplicate original.

A search warrant is a minimum of four pages long. Frequently, additional pages will be added in order to list the specific property for which the applicant is searching. Supporting affidavits can number in excess of 40 pages. Reading these documents is time consuming, prone to error, and often

The Honorable Rick Halford
April 16, 1991
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unnecessary given the technological changes that have taken place since the original statute was drafted.

To remedy this situation, CSHB 169 (JUD) provides that the applicant may simply transmit affidavits by facsimile machine to the judicial officer, and the judicial officer may transmit the original search warrant to the applicant. The facsimile warrant then serves as an original. Time will be saved by all involved in the process, and the accuracy of the final product will be improved. The bill has no fiscal impact.

Thank you for your courtesy. Please feel free to contact me if you have any questions or comments.

Very truly yours,



C. S. Christensen III
Staff Counsel

CSC:bh