

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 33

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO SEARCH WARRANTS; AMENDING SECTION 19-4404, IDAHO CODE, TO PRO-
2 VIDE THAT AN ORAL STATEMENT SHALL BE TRANSCRIBED IF REQUESTED AND TO
3 MAKE TECHNICAL CORRECTIONS.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 19-4404, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 19-4404. ORAL AFFIDAVIT -- TELEPHONIC AFFIDAVIT -- PROCEDURES. In
9 lieu of a written affidavit, the magistrate may take an oral statement under
10 oath, which shall be recorded and, if requested, transcribed. The judge is
11 authorized to administer an oath or affirmation by telephone, and to take
12 testimony by telephone. All testimony given over the telephone that is in-
13 tended to support an application for a search warrant must be given on oath or
14 affirmation and must identify the person testifying. The affidavit or oral
15 testimony as recorded must be filed with the clerk of the court.