

SENATE BILL 1685

By Green

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to criminal law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by adding the following as a new section:

40-6-109.

(a) Notwithstanding any provision of this part to the contrary, a magistrate may issue a warrant based on information communicated by telephone or other reliable electronic means. The proposed warrant, the signed affidavit, and accompanying documents may be transmitted by electronic facsimile transmission or by electronic transfer with electronic signatures to the magistrate, who may act upon the transmitted documents as if the documents were originals. A warrant affidavit may be sworn to or affirmed by administration of the oath over the telephone or by other audio or audio-visual means by the magistrate. The affidavit with electronic signature received by the magistrate and the warrant approved by the magistrate, signed with electronic signature, shall be deemed originals. The magistrate shall facilitate the filing of the original warrant with the clerk of the court and shall take reasonable steps to prevent tampering with the warrant. The issuing magistrate shall retain a copy of the warrant as part of the magistrate's official records. The issuing magistrate shall retain a copy of the warrant, with electronic signatures, to the affiant.

(b) This section is intended to be construed liberally as to the method of telephonic or electronic transmissions as advancements in technology occur.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.