

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Walters**

A Bill

SENATE BILL 162

For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE JUDGES TO ACCEPT TESTIMONY BY
9 TELEPHONE FOR THE ISSUANCE OF SEARCH WARRANTS AND TO
10 DETERMINE PROBABLE CAUSE FOR ARREST AND AUTHORITY TO HOLD;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "AUTHORIZE JUDGES TO ACCEPT TESTIMONY BY PHONE FOR
15 ISSUANCE OF SEARCH WARRANTS & DETERMINING PROBABLE CAUSE
16 FOR ARREST AND AUTHORITY TO HOLD."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code 16-82-201(a) is amended to read as follows:

21 "§16-82-201. Authority and grounds to issue.

22 (a) A search warrant may be issued by any judicial officer of this
23 state only upon:

24 (1) affidavit sworn to before a judicial officer which
25 establishes the grounds for its issuance, or

26 (2) an oral statement under oath. If the judicial officer finds
27 that the application meets the requirements of Rule 13.1 of the Rules of
28 Criminal Procedure and that, on the basis of the proceedings before him, there
29 is reasonable cause to believe that the search will discover persons or things
30 specified in the application and subject to seizure, he shall orally issue a
31 search warrant based on his findings and authorize the affiant to so note on
32 the search warrant. The affiant shall read and make as part of the recorded
33 oral statement any search warrant orally issued by the judicial officer. The
34 judicial officer shall, within seventy-two (72) hours, satisfy himself of the
35 authenticity of the search warrant and affix his signature to that search

1 warrant.

2 The oral statement shall be recorded and may be communicated to the
3 judicial officer by telephone. The oral statement shall be transcribed within
4 seventy-two (72) hours. The recording of the oral statement and the
5 transcribed statement shall be certified by the judicial officer receiving it
6 and shall be retained as a part of the record of the proceeding of the
7 issuance of the warrant. The recorded oral statement or the transcript
8 thereof shall be available for use at any proceeding under Rule 16.2 or 20.3
9 of the Rules of Criminal Procedure."

10 SECTION 2. Any judicial officer authorized to conduct probable cause
11 hearings may conduct the hearings by accepting oral statements under oath
12 which shall be recorded and may be communicated to the judicial officer by
13 telephone. The oral statement shall be transcribed within seventy two (72)
14 hours. The recording of the oral statement and the transcribed statement
15 shall be certified by the judicial officer receiving it and shall be retained
16 as a part of the record of the proceedings.

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18 SECTION 3. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 4. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 5. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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/s/ Senator Walters