

House Bill 196

By: Representatives Pak of the 102nd, Tankersley of the 158th, Neal of the 75th, Weldon of the 3rd, Golick of the 34th, and others

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 17-5-21.1 of the Official Code of Georgia Annotated, relating to the
2 issuance of search warrants by video conferencing, so as to clarify what portion of the video
3 recordings must be maintained; to provide for related matters; to provide for an effective
4 date; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Code Section 17-5-21.1 of the Official Code of Georgia Annotated, relating to the issuance
8 of search warrants by video conferencing, is revised as follows:

9 "17-5-21.1.

10 (a) A judge of any court in this state authorized to issue search warrants pursuant to Code
11 Section 17-5-21 may, as an alternative to other laws relating to the issuance of search
12 warrants, conduct such applications for the issuance of search warrants by video
13 conference.

14 (b) Search warrant applications heard by video conference shall be conducted in a manner
15 to ensure that the judge conducting the hearing has visual and audible contact with all
16 affiants and witnesses giving testimony.

17 (c) The affiant participating in a search warrant application by video conference shall sign
18 the affidavit for a search warrant and any related documents by any reasonable means
19 which identifies the affiant, including, but not limited to, his or her typewritten name,
20 signature affixed by electronic stylus, or any other reasonable means which identifies the
21 person signing the affidavit and any related documents. The judge participating in a search
22 warrant application by video conference shall sign the affidavit for a search warrant, the
23 search warrant, and any related documents by any reasonable means which identifies the
24 judge, including, but not limited to, his or her typewritten name, signature affixed by
25 electronic stylus, or any other reasonable means which identifies the judicial officer signing
26 the affidavit and warrant and any related documents. Such applications shall be deemed

27 to be written within the meaning of Code Section 17-5-21. Such authorization shall be
28 deemed to comply with the issuance requirements provided for in Code Section 17-5-22.

29 (d) A judge hearing matters pursuant to this Code section shall administer an oath to any
30 person testifying by means of a video conference.

31 (e) ~~A video recording of the application hearing and any Any documents submitted in~~
32 conjunction with the application shall be maintained as part of the record, and if the judge
33 accepts additional oral testimony in support of the written application, a video recording
34 of that oral testimony shall be maintained. Absent intentional misconduct on the part of
35 the state, the absence of the recording of the additional oral testimony shall not be a basis
36 to challenge an otherwise valid warrant issued pursuant to this Code section."

37 **SECTION 2.**

38 This Act shall become effective on July 1, 2011.

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.