

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 679

S.P. 266

In Senate, March 4, 2021

An Act To Establish a Statewide Electronic Warrant System

Received by the Secretary of the Senate on March 2, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.

Cosponsored by Senators: DAVIS of Piscataquis, GUERIN of Penobscot, Representatives: O'CONNOR of Berwick, PICKETT of Dixfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §17, sub-§16**, as amended by PL 1993, c. 675, Pt. C, §8, is further
3 amended to read:

4 **16. Report on out-of-state travel.** Submit to the joint standing committee of the
5 Legislature having jurisdiction over appropriations and financial affairs a quarterly report
6 on out-of-state travel activity of the Judicial Department. The report must be submitted
7 within 15 days after the end of each quarter and must include, for each individual who has
8 been authorized to travel, the destination, purpose and cost by funding source of each trip;
9 ~~and~~

10 **Sec. 2. 4 MRSA §17, sub-§17, ¶C**, as enacted by PL 1993, c. 675, Pt. C, §9, is
11 amended to read:

12 C. The statement on proposed legislation prepared by the State Court Administrator
13 must be considered in the preparation of the fiscal note included in a committee
14 amendment or other amendment if the legislation or amendment has a fiscal impact on
15 the judicial system, as determined by the State Court Administrator; and

16 **Sec. 3. 4 MRSA §17, sub-§18** is enacted to read:

17 **18. Statewide electronic warrant system.** Establish a secure system for the
18 application, issuance and return of arrest warrants and search warrants that is electronic and
19 that provides access to authorized users statewide.

20 A. For the purposes of this subsection, "electronic signature" means an electronic
21 sound, symbol or process attached to or logically associated with a document and
22 executed or adopted by a person with the intent to sign the document, including but not
23 limited to an electronic representation of an actual handwritten signature that is
24 captured at the time of signature by the person or is digitally reproduced from a
25 previously saved signature.

26 B. The statewide electronic warrant system established pursuant to this subsection
27 must:

28 (1) Provide for personal appearance and authorization by means of
29 telecommunication or electronic communication;

30 (2) Provide for secure access for authorized users, at varying levels of
31 authorization, and guard the integrity of an application and all information and
32 documents related to the application;

33 (3) Provide for submission of information and evidence to support the application
34 in electronic form;

35 (4) Require a showing of probable cause based on oath or affirmation. An oath or
36 affirmation may be provided in electronic format;

37 (5) Provide for use of an electronic signature by the applicant;

38 (6) Provide a method for the issuing official to disapprove, approve or approve
39 with modifications the application, the means for using an electronic signature by
40 the issuing official and a mechanism for electronic issuance;

1 (7) Provide a mechanism for the applicant to obtain the issued arrest warrant or
2 search warrant and a mechanism for return by the applicant when the warrant has
3 been executed or, if the warrant was not served within the time period stated in the
4 warrant, a mechanism to return the warrant unserved; and

5 (8) Provide a mechanism for the retention of all information submitted to or
6 communicated by or within the system.

7 **Sec. 4. 15 MRSA §55**, as amended by PL 2017, c. 144, §2, is further amended to
8 read:

9 **§55. Search warrants; issuance by justice, judge or justice of the peace**

10 A justice of the Superior Court, a judge of the District Court or a justice of the peace
11 shall issue search warrants for any place in the State for such purposes as the ~~Constitution~~
12 ~~of the United States~~ Constitution and the Constitution of Maine permit, including with
13 respect to any violation over which the Passamaquoddy Tribe, the Penobscot Nation or the
14 Houlton Band of Maliseet Indians exercises exclusive jurisdiction under Title 30, section
15 6209-A, 6209-B or 6209-C. The evidence presented to the magistrate in support of the
16 search warrant may consist of affidavits and other evidence under oath or affirmation that
17 is capable of being reduced to a record for purposes of review. The application for the
18 search warrant and supporting information and evidence must be submitted in accordance
19 with rules adopted by the Supreme Judicial Court, except that, following the establishment
20 of a statewide electronic warrant system as provided in Title 4, section 17, subsection 18,
21 the filing of the application and supporting information and evidence must be done
22 electronically and the warrant issued and returned electronically. The Supreme Judicial
23 Court shall by rule provide the procedure of the application for and issuance of search
24 warrants. When no procedure is specified by the Supreme Judicial Court, the justice, judge
25 or justice of the peace shall proceed in any reasonable manner that is authorized by this
26 section, that conforms to the requirements of Title 4, section 17, subsection 18 and that will
27 allow the issuance of a search warrant for any constitutional purpose. A justice, a judge or
28 a justice of the peace shall issue a search warrant for a domestic or foreign entity that is a
29 provider of electronic communication service or a provider of remote computing service in
30 accordance with the provisions of this section and section 56.

31 **Sec. 5. Rule amendments.** The Supreme Judicial Court shall adopt amendments
32 to the Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons,
33 effective on the date of the establishment of the statewide electronic warrant system
34 pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 18, to provide for
35 the application, issuance and return of arrest warrants and search warrants through
36 electronic means.

37 **SUMMARY**

38 This bill directs the State Court Administrator to establish a secure system for the
39 application, issuance and return of arrest warrants and search warrants that is electronic and
40 that provides access to authorized users statewide. The bill amends the law on search
41 warrants to require electronic application and issuance once the electronic system has been
42 established. The bill directs the Supreme Judicial Court to adopt amendments to the Maine
43 Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons, effective on the
44 date of the establishment of the statewide electronic warrant system, to provide for the

1 application, issuance and return of arrest warrants and search warrants through electronic
2 means.