
HOUSE BILL 2235

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Hayes, Goodman, and Magendanz

Read first time 01/15/14. Referred to Committee on Judiciary.

1 AN ACT Relating to creating effective and timely access to
2 magistrates for purposes of reviewing search warrant applications;
3 amending RCW 9A.72.085; adding a new section to chapter 2.20 RCW;
4 adding a new section to chapter 10.79 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that recent decisions
7 of the United States supreme court and the Washington state supreme
8 court require law enforcement to obtain the review of a neutral and
9 disinterested magistrate and the issuance of a search warrant more
10 frequently before proceeding with a criminal investigation. The
11 legislature intends to accommodate this requirement by creating
12 effective and timely access to magistrates for purposes of reviewing
13 search warrant applications across the state of Washington. This act
14 does not change the legal standards for issuing a search warrant or the
15 legal standards for review of an issued search warrant.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.20 RCW
17 to read as follows:

1 Any magistrate may issue a search warrant for any person or
2 evidence located anywhere within the state.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.79 RCW
4 to read as follows:

5 (1) Any magistrate as defined by RCW 2.20.010, when satisfied that
6 there is probable cause, may upon application supported by oath or
7 affirmation, issue a search warrant to search for and seize any: (a)
8 Evidence of a crime; (b) contraband, the fruits of crime, or things
9 otherwise criminally possessed; (c) weapons or other things by means of
10 which a crime has been committed or reasonably appears about to be
11 committed; or (d) person for whose arrest there is probable cause or
12 who is unlawfully restrained.

13 (2) The application may be provided or transmitted to the
14 magistrate by telephone, e-mail, or any other reliable method.

15 (3) If the magistrate finds that probable cause for the issuance of
16 a warrant exists, the magistrate must issue a warrant or direct an
17 individual whom the magistrate authorizes to affix the magistrate's
18 signature to a warrant identifying the property or person and naming or
19 describing the person, place, or thing to be searched. The magistrate
20 may communicate permission to affix the magistrate's signature to the
21 warrant by telephone, e-mail, or any other reliable method.

22 **Sec. 4.** RCW 9A.72.085 and 1981 c 187 s 3 are each amended to read
23 as follows:

24 (1) Whenever, under any law of this state or under any rule, order,
25 or requirement made under the law of this state, any matter in an
26 official proceeding is required or permitted to be supported,
27 evidenced, established, or proved by a person's sworn written
28 statement, declaration, verification, certificate, oath, or affidavit,
29 the matter may with like force and effect be supported, evidenced,
30 established, or proved in the official proceeding by an unsworn written
31 statement, declaration, verification, or certificate, which:

- 32 ~~((1))~~ (a) Recites that it is certified or declared by the person
33 to be true under penalty of perjury;
34 ~~((2))~~ (b) Is subscribed by the person;
35 ~~((3))~~ (c) States the date and place of its execution; and

1 ~~((4))~~ (d) States that it is so certified or declared under the
2 laws of the state of Washington.

3 (2) The certification or declaration may be in substantially the
4 following form:

5 "I certify (or declare) under penalty of perjury under
6 the laws of the State of Washington that the foregoing is
7 true and correct":

8
9 (Date and Place) (Signature)

10 (3) For purposes of this section, a person subscribes to an unsworn
11 written statement, declaration, verification, or certificate by:

12 (a) Affixing or placing his or her signature as defined in RCW
13 9A.04.110 on the document;

14 (b) Attaching or logically associating his or her digital signature
15 or electronic signature as defined in RCW 19.34.020 to the document;

16 (c) Affixing or logically associating his or her signature in the
17 manner described in general rule 30 to the document if he or she is a
18 licensed attorney; or

19 (d) Affixing or logically associating his or her full name,
20 department or agency, and badge or personnel number to any document
21 that is electronically submitted to a court, a prosecutor, or a
22 magistrate from an electronic device that is owned, issued, or
23 maintained by a law enforcement agency if he or she is a law
24 enforcement officer.

25 (4) This section does not apply to writings requiring an
26 acknowledgment, depositions, oaths of office, or oaths required to be
27 taken before a special official other than a notary public.

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