

SSB 6279 - H COMM AMD
By Committee on Judiciary

ADOPTED 03/05/2014

1 Strike everything after the enacting clause and insert the
2 following:

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

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

15 Any district or municipal court judge, in the county in which the
16 offense is alleged to have occurred, may issue a search warrant for any
17 person or evidence located anywhere within the state.

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

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

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

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

10 (4) The evidence in support of the finding of probable cause and a
11 record of the magistrate's permission to affix the magistrate's
12 signature to the warrant shall be preserved and shall be filed with the
13 issuing court as required by CrRLJ 2.3 or CrR 2.3.

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

16 (1) Whenever, under any law of this state or under any rule, order,
17 or requirement made under the law of this state, any matter in an
18 official proceeding is required or permitted to be supported,
19 evidenced, established, or proved by a person's sworn written
20 statement, declaration, verification, certificate, oath, or affidavit,
21 the matter may with like force and effect be supported, evidenced,
22 established, or proved in the official proceeding by an unsworn written
23 statement, declaration, verification, or certificate, which:

24 ~~((+1))~~ (a) Recites that it is certified or declared by the person
25 to be true under penalty of perjury;

26 ~~((+2))~~ (b) Is subscribed by the person;

27 ~~((+3))~~ (c) States the date and place of its execution; and

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

30 (2) The certification or declaration may be in substantially the
31 following form:

32 "I certify (or declare) under penalty of perjury under
33 the laws of the State of Washington that the foregoing is
34 true and correct":

35

36 (Date and Place)

(Signature)

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

3 (a) Affixing or placing his or her signature as defined in RCW
4 9A.04.110 on the document;

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

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

10 (d) Affixing or logically associating his or her full name,
11 department or agency, and badge or personnel number to any document
12 that is electronically submitted to a court, a prosecutor, or a
13 magistrate from an electronic device that is owned, issued, or
14 maintained by a criminal justice agency if he or she is a law
15 enforcement officer.

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

19 Correct the title.

EFFECT: Retains the provisions of the underlying bill, except that language authorizing a district or municipal court judge to issue a warrant for a person or evidence located anywhere within the county in which the court is located or an adjoining county is removed. Instead, a district or municipal court judge in the county in which the offense is alleged to have occurred may issue a warrant for any person or evidence located anywhere within the state.

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