CERTIFICATION OF ENROLLMENT

## SUBSTITUTE SENATE BILL 6279

63rd Legislature 2014 Regular Session

Passed by the Senate March 10, 2014 YEAS 47 NAYS 2

## President of the Senate

Passed by the House March 5, 2014 YEAS 98 NAYS 0

Speaker of the House of Representatives

Approved

FILED

Secretary of State State of Washington

Governor of the State of Washington

# CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6279** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

## SUBSTITUTE SENATE BILL 6279

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

### State of Washington 63rd Legislature 2014 Regular Session

**By** Senate Law & Justice (originally sponsored by Senators Kline, Padden, O'Ban, Pedersen, and Tom)

READ FIRST TIME 02/04/14.

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:

<u>NEW SECTION.</u> Sec. 1. The legislature finds that recent decisions б 7 of the United States supreme court and the Washington state supreme court require law enforcement to obtain the review of a neutral and 8 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 effective and timely access to magistrates for purposes of reviewing 12 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 <u>NEW SECTION.</u> Sec. 2. A new section is added to chapter 2.20 RCW 17 to read as follows:

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1 Any district or municipal court judge, in the county in which the 2 offense is alleged to have occurred, may issue a search warrant for any 3 person or evidence located anywhere within the state.

4 <u>NEW SECTION.</u> Sec. 3. A new section is added to chapter 10.79 RCW 5 to read as follows:

б (1) Any magistrate as defined by RCW 2.20.010, when satisfied that 7 there is probable cause, may upon application supported by oath or affirmation, issue a search warrant to search for and seize any: (a) 8 9 Evidence of a crime; (b) contraband, the fruits of crime, or things 10 otherwise criminally possessed; (c) weapons or other things by means of 11 which a crime has been committed or reasonably appears about to be 12 committed; or (d) person for whose arrest there is probable cause or 13 who is unlawfully restrained.

14 (2) The application may be provided or transmitted to the15 magistrate by telephone, e-mail, or any other reliable method.

16 (3) If the magistrate finds that probable cause for the issuance of 17 a warrant exists, the magistrate must issue a warrant or direct an 18 individual whom the magistrate authorizes to affix the magistrate's 19 signature to a warrant identifying the property or person and naming or 20 describing the person, place, or thing to be searched. The magistrate 21 may communicate permission to affix the magistrate's signature to the 22 warrant by telephone, e-mail, or any other reliable method.

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

27 Sec. 4. RCW 9A.72.085 and 1981 c 187 s 3 are each amended to read 28 as follows:

(1) Whenever, under any law of this state or under any rule, order, 29 30 or requirement made under the law of this state, any matter in an official proceeding is required or permitted to be supported, 31 32 evidenced, established, or proved by a person's sworn written 33 statement, declaration, verification, certificate, oath, or affidavit, 34 the matter may with like force and effect be supported, evidenced, 35 established, or proved in the official proceeding by an unsworn written 36 statement, declaration, verification, or certificate, which:

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1	$\left(\left(\frac{1}{1}\right)\right)$ (a) Recites that it is certified or declared by the person
2	to be true under penalty of perjury;
3	$((\frac{2}{2}))$ <u>(b)</u> Is subscribed by the person;
4	((3)) (c) States the date and place of its execution; and
5	((+)) (d) States that it is so certified or declared under the
6	laws of the state of Washington.
7	(2) The certification or declaration may be in substantially the
8	following form:
9	"I certify (or declare) under penalty of perjury under
10	the laws of the State of Washington that the foregoing is
11	true and correct":
12	
13	(Date and Place) (Signature)
14	(3) For purposes of this section, a person subscribes to an unsworn
15	written statement, declaration, verification, or certificate by:
16	(a) Affixing or placing his or her signature as defined in RCW
17	9A.04.110 on the document;
18	(b) Attaching or logically associating his or her digital signature
19	or electronic signature as defined in RCW 19.34.020 to the document;
20	(c) Affixing or logically associating his or her signature in the
21	manner described in general rule 30 to the document if he or she is a
22	licensed attorney; or
23	(d) Affixing or logically associating his or her full name,
24	department or agency, and badge or personnel number to any document
25	that is electronically submitted to a court, a prosecutor, or a
26	magistrate from an electronic device that is owned, issued, or
27	maintained by a criminal justice agency if he or she is a law
28	enforcement officer.
29	(4) This section does not apply to writings requiring an
30	acknowledgment, depositions, oaths of office, or oaths required to be
31	taken before a special official other than a notary public.

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