

SENATE BILL No. 159

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-33-5-8.

Synopsis: Procedures for obtaining a warrant. Specifies that a judge or a prosecuting attorney shall record a request for a warrant made orally by telephone, radio, or similar electronic means. (Under current law, the judge is required to record the request.) Permits certain warrant requests to be: (1) made electronically (where current law only allows this by radio or telephone); and (2) recorded electronically (where current law only permits the use of audio tape).

Effective: July 1, 2025.

Freeman

January 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

SENATE BILL No. 159



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-33-5-8, AS AMENDED BY P.L.170-2014,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 8. (a) A judge may issue a search or arrest warrant
4 without the affidavit required under section 2 of this chapter, if the
5 judge receives testimony subject to the penalties for perjury of the same
6 facts required for an affidavit:
7 (1) in a nonadversarial, recorded hearing before the judge;
8 (2) orally by telephone, ~~or~~ radio, **or similar electronic means**;
9 (3) in writing by facsimile transmission (FAX); or
10 (4) in writing by electronic mail or other electronic transmission.
11 (b) If a warrant is issued under subsection (a)(1), the judge shall
12 order the court reporter to type or transcribe the testimony from the
13 hearing for entry in the record. The judge shall then certify the
14 transcript.
15 (c) After reciting the facts required for an affidavit and verifying the
16 facts recited under penalty of perjury, an applicant for a warrant under
17 subsection (a)(2) shall read to the judge from a warrant form on which



1 the applicant enters the information read by the applicant to the judge.
2 The judge may direct the applicant to modify the warrant. If the judge
3 agrees to issue the warrant, the judge shall direct the applicant to sign
4 the judge's name to the warrant, adding the time of the issuance of the
5 warrant.

6 (d) After transmitting an affidavit, an applicant for a warrant under
7 subsection (a)(3) or (a)(4) shall transmit to the judge a copy of a
8 warrant form completed by the applicant. The judge may modify the
9 transmitted warrant. If the judge agrees to issue the warrant, the judge
10 shall sign, affix the date and time, and transmit to the applicant a
11 duplicate of the warrant.

12 (e) If a warrant is issued under subsection (a)(2), the judge **or a**
13 **prosecuting attorney** shall record the conversation on audio tape **or**
14 **electronically. The judge shall** ~~and~~ order the court reporter to type or
15 transcribe the recording for entry in the record. The judge shall certify
16 the audio tape **or electronic recording**, the transcription, and the
17 warrant retained by the judge for entry in the record.

18 (f) If a warrant is issued under subsection (a)(3), the facsimile copy
19 of the affidavit and warrant sent to the judge shall be retained as if they
20 were the originals. If a warrant is issued under subsection (a)(4), the
21 electronically transmitted copy of the affidavit and warrant sent to the
22 judge shall be printed and retained as if they were the originals.

23 (g) The court reporter shall notify the applicant who received a
24 warrant under subsection (a)(1) or (a)(2) when the transcription
25 required under this section is entered in the record. The applicant shall
26 sign the transcribed entry upon receiving notice from the court reporter.

27 (h) The affiant and the judge may use an electronic signature on the
28 affidavit and warrant. An electronic signature may be indicated by
29 "s/Affiant's Name" or "s/Judge's Name" or by any other electronic
30 means that identifies the affiant or judge and indicates that the affiant
31 or judge adopts the contents of the document to which the electronic
32 signature is affixed.

