



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 679

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S.P. 266

In Senate, March 4, 2021

### An Act To Establish a Statewide Electronic Warrant System

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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.