

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 266 - L.D. 679

An Act To Establish a Statewide Electronic Warrant System

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §17, sub-§16, as amended by PL 1993, c. 675, Pt. C, §8, is further amended to read:

16. Report on out-of-state travel. Submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; ~~and~~

Sec. 2. 4 MRSA §17, sub-§17, ¶C, as enacted by PL 1993, c. 675, Pt. C, §9, is amended to read:

C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator; and

Sec. 3. 4 MRSA §17, sub-§18 is enacted to read:

18. Statewide electronic warrant system. Establish a secure system for the application, issuance and return of arrest warrants and search warrants that is electronic and that provides access to authorized users statewide.

A. For the purposes of this subsection, "electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document, including but not limited to an electronic representation of an actual handwritten signature that is captured at the time of signature by the person or is digitally reproduced from a previously saved signature.

B. The statewide electronic warrant system established pursuant to this subsection must:

- (1) Provide for personal appearance and authorization by means of telecommunication or electronic communication;
- (2) Provide for secure access for authorized users, at varying levels of authorization, and guard the integrity of an application and all information and documents related to the application;
- (3) Provide for submission of information and evidence to support the application in electronic form;
- (4) Require a showing of probable cause based on oath or affirmation. An oath or affirmation may be provided in electronic format;
- (5) Provide for use of an electronic signature by the applicant;
- (6) Provide a method for the issuing official to disapprove, approve or approve with modifications the application, the means for using an electronic signature by the issuing official and a mechanism for electronic issuance;
- (7) Provide a mechanism for the applicant to obtain the issued arrest warrant or search warrant and a mechanism for return by the applicant when the warrant has been executed or, if the warrant was not served within the time period stated in the warrant, a mechanism to return the warrant unserved; and
- (8) Provide a mechanism for the retention of all information submitted to or communicated by or within the system.

Sec. 4. 15 MRSA §55, as amended by PL 2017, c. 144, §2, is further amended to read:

§55. Search warrants; issuance by justice, judge or justice of the peace

A justice of the Superior Court, a judge of the District Court or a justice of the peace shall issue search warrants for any place in the State for such purposes as the ~~Constitution~~ of the United States Constitution and the Constitution of Maine permit, including with respect to any violation over which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians exercises exclusive jurisdiction under Title 30, section 6209-A, 6209-B or 6209-C. The evidence presented to the magistrate in support of the search warrant may consist of affidavits and other evidence under oath or affirmation that is capable of being reduced to a record for purposes of review. The application for the search warrant and supporting information and evidence must be submitted in accordance with rules adopted by the Supreme Judicial Court, except that, following the establishment of a statewide electronic warrant system as provided in Title 4, section 17, subsection 18, the filing of the application and supporting information and evidence may be done electronically, if presented to a justice of the Superior Court or a judge of the District Court or a justice of the peace authorized by rule of the Supreme Judicial Court to issue warrants electronically, and the warrant issued and returned electronically. The Supreme Judicial Court shall by rule provide the procedure of the application for and issuance of search warrants. When no procedure is specified by the Supreme Judicial Court, the justice, judge or justice of the peace shall proceed in any reasonable manner that is authorized by this section, that, if presented electronically, conforms to the requirements of Title 4, section 17, subsection 18 and that will allow the issuance of a search warrant for any constitutional purpose. A justice, a judge or a justice of the peace shall issue a search warrant for a domestic or foreign entity that is a provider of electronic communication service or a

provider of remote computing service in accordance with the provisions of this section and section 56.

Sec. 5. Rule amendments. The Supreme Judicial Court shall adopt amendments to the Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons, effective on the date of the establishment of the statewide electronic warrant system pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 18, to provide for the application, issuance and return of arrest warrants and search warrants through electronic means.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides ongoing funding to contract for an eWarrant System.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$225,000
GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$225,000

Courts - Supreme, Superior and District 0063

Initiative: Provides ongoing funding for technology costs to ensure judges and justices can access the eWarrant System off-site.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$31,000
GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$31,000

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS

GENERAL FUND	2021-22	2022-23
	\$0	\$256,000
DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> \$256,000