

HB 730 -- Criminal Procedure

Co-Sponsors: Goodman, Mayer, Lipke (157), Moore, Stevenson

This bill creates the crime of intercepting a cellular or radio message, a class A misdemeanor. A person commits the crime by intercepting information that was not intended for that person and conveying that information to anyone other than the original intended recipient.

The bill also allows law enforcement officials to obtain a search warrant via telephone, radio, or other electronically communicated means. The bill provides standardized forms for the application and affidavit for a telephonic search warrant and the duplicate original search warrant issued by the judge. The bill allows a prosecutor to orally authorize a law enforcement official to sign the prosecutor's name to an application for a search warrant and allows a judge to orally authorize the law enforcement official to sign the judge's name on the search warrant. Alternatively, the warrant and the judge's signature authorizing the warrant may be transmitted by facsimile machine. In all cases where the law enforcement official is not in the actual physical presence of the judge, the law enforcement official must provide to the judge a transcription of the recorded application, affidavit, and duplicate original search warrant within 48 hours, along with the original recordings.