**South Carolina General Assembly**

119th Session, 2011-2012

**S. 268**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Bryant

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Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Search warrants

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2010 Senate Prefiled

12/15/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 122](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 122](file:///h:\sj%20archive\2011\01-11-11.docx))

1/9/2012 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman

**VERSIONS OF THIS BILL**

[12/15/2010](file:///p:\pprever\2011-12\268_20101215.docx)

**A** **BILL**

TO AMEND CHAPTER 13, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17‑13‑170, SO AS TO PROVIDE THAT A JUDGE MAY ISSUE A SEARCH WARRANT BASED ON THE SWORN ORAL TESTIMONY OF A LAW ENFORCEMENT OFFICER COMMUNICATED BY TELEPHONE OR OTHER ELECTRONIC DEVICE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑170. (A) A judge may issue a search warrant based on the sworn oral testimony of a law enforcement officer communicated by telephone or other electronic device.

(B) The law enforcement officer shall record the testimony verbatim with a recording device. The officer shall certify the recording’s authenticity and accuracy with the officer’s signature and shall deliver the recording and certification to the judge by the end of the next business day. The judge shall verify the accuracy of the recording by affixing the judge’s signature to the certification and shall file the recording and certification with the clerk of court.

(C) The law enforcement officer shall prepare a proposed duplicate original search warrant and shall read the contents of the proposed duplicate original search warrant verbatim to the judge as part of the officer’s testimony.

(D) The judge may approve, modify, or disapprove the proposed duplicate original search warrant. If the judge approves the proposed duplicate original search warrant, the judge shall immediately enter the contents of the proposed duplicate original search warrant onto an original search warrant, enter the date and time the judge issued the search warrant, and sign the original search warrant. The judge shall direct the officer to enter the date and time that the judge issued the search warrant onto the duplicate original search warrant, enter the judge’s name, and sign the officer’s name on the duplicate original search warrant. The signed duplicate original search warrant may be executed immediately. If the judge wants to modify the proposed duplicate original search warrant, the judge shall direct the officer to modify the proposed duplicate original search warrant accordingly. If the judge disapproves the proposed duplicate original search warrant, the search warrant is invalid.

(E) The law enforcement officer shall deliver a copy of the signed duplicate original search warrant to the judge by the end of the next business day. The judge shall verify the accuracy of the signed duplicate original search warrant copy by affixing the judge’s signature to the signed duplicate original search warrant copy and shall file the signed duplicate original search warrant copy and the original search warrant with the clerk of court.

(F) Absent a finding of bad faith, evidence obtained from a search warrant issued pursuant to this section is not subject to suppression on the grounds that issuing the search warrant in such a manner was unreasonable under the circumstances.”

SECTION 2. This act takes effect upon approval by the Governor.

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