GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H **D**

HOUSE DRH50317-LH-194 (04/13)

Short Title:	Search Warrants/Audio & Video Transmission.	(Public)
Sponsors:	Representative Culpepper.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT SEARCH WARRANTS MAY BE OBTAINED BY AUDIO/VIDEO TRANSMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-245(a) reads as rewritten:

"(a) Before acting on the application, the issuing official may examine on oath the applicant or any other person who may possess pertinent information, but information other than that contained in the affidavit may not be considered by the issuing official in determining whether probable cause exists for the issuance of the warrant unless the information is either recorded or contemporaneously summarized in the record or on the face of the warrant by the issuing official. <u>The information must be shown by one or more of the following:</u>

<u>(1) Affidavit; or</u>

<u>(2) Oral testimony under oath or affirmation before the issuing official; or</u>

<u>(3) Oral testimony under oath or affirmation presented by a sworn law enforcement officer to the issuing official by means of an audio and video transmission in which both parties can see and hear each other. Prior to the use of audio and video transmission pursuant to this subdivision, the procedures and type of equipment for audio and video transmission shall be submitted to the Administrative Office of the Courts by the senior regular resident superior court judge and the chief district court judge for a judicial district or set of districts and approved by the Administrative Office of the Courts.</u>"

SECTION 2. This act becomes effective October 1, 2005.