

1 SENATE BILL NO. 26

2 INTRODUCED BY N. SWANDAL

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT SEARCH WARRANT APPLICATIONS MAY BE  
6 SUBMITTED ELECTRONICALLY; AMENDING SECTION 46-5-221, MCA; AND PROVIDING AN IMMEDIATE  
7 EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 46-5-221, MCA, is amended to read:

12 **"46-5-221. Grounds for search warrant.** A judge shall issue a search warrant to a person upon  
13 application, in writing, ~~or~~ by telephone, or electronically, made under oath or affirmation, that:

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(1) states facts sufficient to support probable cause to believe that an offense has been committed;

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(2) states facts sufficient to support probable cause to believe that evidence, contraband, or persons

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connected with the offense may be found;

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(3) particularly describes the place, object, or persons to be searched; and

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(4) particularly describes who or what is to be seized."

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20 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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