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LB 731

law enforcement more effective and I think this is one of the few examples that we have of a bill where you can make law enforcement more effective without doing anything detrimental to the rights of individuals. Okay, let me describe briefly the present process. Right now, if you want to get a search warrant, you present a written affidavit and you swear to it before a judge and it describes the person or places to be searched and the persons or property sought and it sets out the circumstances tending to show that the property is where the police are going to search. Okay, change number one in the bill, we are going to allow an oral affidavit either supplementing or in place of the written affidavit. Okay, the oral affidavit will also be given in person by the county attorney or police officer. It would also be under oath before the judge and the oral affidavit is recorded or taken stenographically, and then the judge certifies as to the accuracy of the statement and he files a verified transcript, an original of the record, with the court when the warrant itself and related papers are filed. In other words we have lots of safeguards in here to be sure that the affidavit is recorded and written down. The purpose of this part of the change is to ensure the county attorneys are not held up unnecessarily by having to get a stenographer or typist and sit down and type out written affidavits and written statements for presentation to the judge. Often these things come in the middle of the night and there is nobody around to peck away at it. It is up to the county attorney himself and it is a slow process. Okay, in addition to that change, the bill would allow for telephonic search warrants and again we have put in as many safeguards as possible to be sure we are protecting all individuals involved. A telephonic search warrant has to be requested by the county attorney. The law enforcement officer cannot request it directly from the judge but must go through the county attorney, so the first decision is the decision on the part of the county attorney as to whether it is necessary to get a telephonic search warrant. Okay, in addition to that, then the judge must also agree the telephonic warrant is necessary and so it is really in the end completely at the discretion of the judge as to whether this manner of attaining a search warrant is allowed. If the judge decides it is necessary, then the county attorney provides a telephone number of the police officer who needs the warrant. The judge calls the officer and places him under oath and takes the statement and the statement must be taken on a voice recording device. The judge records and transcribes the statement and certifies as to the accuracy. Then the judge files the original recording and the transcription. At the same time over the

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