

STATEMENT OF PURPOSE

RS26518

This is one of a series of bills the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required by article V, section 25 of the Idaho Constitution. A court may accept oral statements in support of applications for search warrants, but I.C. § 19-4404 requires that all such statements be recorded and transcribed. Although recording the oral statements serves the vital purpose of preserving the record, a written transcript is not necessary for every statement. Preservation of the recordings is specifically governed by court rule, and the transcripts, which are written copies of the recordings, are infrequently used. Thus, instead of requiring a transcript of every oral statement in support of an application for a search warrant, only requiring preparation of transcript "if requested" will both maintain the availability of the transcript and reduce the cost of this process.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund or any other state fund, but it is expected this amendment will reduce costs to the Counties. In accordance with Joint Rule 18, the reason no fiscal impact to the General Fund or any other state fund is projected is because the expense of transcribing all oral affidavits submitted in support of applications for search warrants falls upon the Counties, and this amendment should reduce those County expenses.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).