

2026 -- S 3168

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LC005634
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS

Introduced By: Senators Patalano, Burke, Dimitri, Thompson, Famiglietti, Ciccone,
Tikoian, de la Cruz, and Rogers

Date Introduced: March 27, 2026

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-5-3 of the General Laws in Chapter 12-5 entitled "Search
2 Warrants" is hereby amended to read as follows:

3 **12-5-3. Issuance and contents.**

4 (a) A warrant shall issue only upon complaint in writing, [which may be transmitted by](#)
5 [electronic means to an authorized judicial officer in accordance with the provisions of subsection](#)
6 [\(b\) of this section](#), under oath of:

7 (1) A chief of police, deputy chief of police or other members of the police force of any
8 city or town, or deputy sheriff of any county, member of the division of state police, full time
9 conservation officer of the department of environmental management, or other person specifically
10 authorized by law to bring complaints for violation of the law which it is his or her responsibility
11 to enforce;

12 (2) Additionally, in the case of property stolen, embezzled, or obtained by fraud or false
13 pretenses, any person who has a right to the possession of the property.

14 (3) Additionally, a sworn law enforcement member of any city or town where that member
15 is serving on a statewide task force.

16 [\(b\) A warrant may be issued by electronic means solely for the search and seizure of](#)
17 [evidence relating to the commission of the following offenses:](#)

18 [\(1\) Driving so as to endanger, resulting in death, pursuant to § 31-27-1;](#)

19 [\(2\) Driving so as to endanger, resulting in serious bodily injury, pursuant to § 31-27-1.1;](#)

1 (3) Driving under the influence of liquor or drugs, resulting in death, pursuant to § 31-27-
2 2.2;

3 (4) Driving under the influence of liquor or drugs, resulting in serious bodily injury,
4 pursuant to § 31-27-2.6;

5 (c) Warrants issued pursuant to this section shall not be issued outside of normal court
6 hours on weekdays, weekends, holidays, or other times when the court is not in session when by
7 reason of emergency or administrative order.

8 (d) When a duly authorized person requests the issuance of a warrant by electronic means,
9 the judicial officer may issue a warrant based upon information communicated electronically as
10 follows:

11 (1) Upon being notified that a warrant is sought by electronic means, the judicial officer
12 shall direct the applicant to transmit a complaint, affidavit and search warrant electronically to the
13 judicial officer. The affidavit shall be sworn to or affirmed by administration of the oath or
14 affirmation telephonically or by other electronic method that includes spoken real-time
15 communication with the judicial officer. The administration of the oath or affirmation need not be
16 part of the affidavit or recorded; however, the judicial officer shall note on the affidavit that the
17 oath or affirmation was administered.

18 (2) In the event the judicial officer proceeds to issue a warrant under this subsection, the
19 judicial officer shall electronically sign the complaint, search warrant and affidavit. The judicial
20 officer shall record the date and time of issuance on the search warrant and transmit the
21 electronically signed documents to the applicant by reliable electronic means.

22 ~~(b)~~(e) Within fourteen (14) days of the issuance of any warrant under this chapter, whether
23 or not executed, the warrant, accompanied by any supporting affidavits and an inventory of any
24 property seized, shall be returned to the district court having jurisdiction over the place of the search
25 or, in the event of a warrant that is not executed, the court from which it was issued. The returns
26 shall be maintained by the district court according to the date of issuance. If not otherwise indicated,
27 the return shall note whether the warrant was executed.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS

1 This act would authorize judges to issue electronic warrants for DUI offenses under certain
2 conditions.

3 This act would take effect upon passage.

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