

Rule Change 2001(18)

**Chapter 29. Colorado Rules of Criminal Procedure**  
**VIII. Supplementary and Special Proceedings**  
**Rule 41. Search, Seizure, and Confession**

**(a) Authority to Issue Warrant.** [\*\*\* NO CHANGE]

**(b) Grounds for Issuance.** [\*\*\* NO CHANGE]

**(c) Application for Search Warrant.**

(1) [\*\*\* NO CHANGE]

(2) [\*\*\* NO CHANGE]

(2.5) A no-knock search warrant, which means, for purposes of this section, a search warrant authorized by the court to be executed by law enforcement officers through a forcible entry without first announcing their identity, purpose, and authority, shall be issued only if the affidavit for such warrant:

(I) Complies with the provisions of subsections (1) and (2) of this section (c) and section 16-3-303(4), C.R.S.;

(II) Specifically requests the issuance of a no-knock search warrant;

(III) Relates sufficient circumstances to support the issuance of a no-knock search warrant;

(IV) Has been reviewed and approved for legal sufficiency and signed by a district attorney with the date and his or her attorney registration number on the affidavit, pursuant to section 20-1-106.1(2), C.R.S.; and

(V) If the grounds for the issuance of a no-knock warrant are established by a confidential informant, the affidavit for such warrant shall contain a statement by the affiant concerning when such grounds became known or were verified by the affiant, but such statement shall not identify the confidential informant.

**(d) Issuance, Contents, Execution, and Return of Warrant.**

(1) [\*\*\* NO CHANGE]

(2) [\*\*\* NO CHANGE]

(3) [\*\*\* NO CHANGE]

(4) **Joinder.** [\*\*\* NO CHANGE]

(5) **Execution and Return.**

(I) [\*\*\* NO CHANGE]

(II) [\*\*\* NO CHANGE]

(III) [\*\*\* NO CHANGE]

(IV) (I) [\*\*\* NO CHANGE]

(V) The officers executing a search warrant shall

first announce their identity, purpose, and authority, and if they are not admitted, may make a forcible entry into the place to be searched; however, the officers may make forcible entry without such prior announcement if the warrant expressly authorizes them to do so or if the particular facts and circumstances known to them at the time the warrant is to be executed adequately justify dispensing with this requirement.

~~(V)~~(VI) A search warrant shall be executed within ten days after its date. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property or shall leave the copy and receipt at the place from which the property was taken. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer. The judge upon request shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

**Amended and Adopted by the Court, En Banc, October 4, 2001, effective immediately.**

**BY THE COURT:**

**Alex J. Martinez  
Justice, Colorado Supreme Court**