

RULE CHANGE 2011(7)

**COLORADO RULES OF CRIMINAL PROCEDURE
CRIMINAL RULE 41**

Rule 41. Search, Seizure, and Confession

(a) through (b) [No Change]

(c) Application for Search Warrant

(1) through (2.5) [No Change]

(3) Application and Issuance of a Warrant by Facsimile or Electronic Transmission. A warrant, signed affidavit, and accompanying documents may be transmitted by electronic facsimile transmission (fax) or by electronic transfer with electronic signatures to the judge, who may act upon the transmitted documents as if they were originals. A warrant affidavit may be sworn to or affirmed by administration of the oath over the telephone by the judge. The affidavit with electronic signature received by the judge or magistrate and the warrant approved by the judge or magistrate, signed with electronic signature, shall be deemed originals. The judge or magistrate shall facilitate the filing of the original affidavit and original warrant with the clerk of the court and shall take reasonable steps to prevent the tampering with the affidavit and warrant. The issuing judge or magistrate shall also forward a copy of the warrant and affidavit, with electronic signatures, to the affiant. This subsection (c)(3) does not authorize the court to issue warrants without having in its possession either a faxed copy of the signed affidavit and warrant or an electronic copy of the affidavit and warrant with electronic signatures.

Committee Comment: For purposes of this rule, the term “electronic signature” has the same meaning as used in C.R.S. § 16-1-106(4)(c).

Amended by the Court, En Banc, June 16, 2011, effective immediately.

By the Court:

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