

RULE CHANGE 2018(01)
COLORADO RULES OF CRIMINAL PROCEDURE

Rule 41. Search, Seizure, and Confession

(a) – (c) [NO CHANGE]

(d) (1) – (4) [NO CHANGE]

(5) Execution and Return.

(I) – (V) [NO CHANGE]

(VI) A search warrant shall be executed within 14 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. In a case involving the seizure of electronic storage media or the seizure or copying of electronically stored information, the inventory may be limited to describing the physical storage media that were seized or copied. The officer may retain a copy of the electronically stored information that was seized or copied. 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.

(VII) A warrant under Rule 41(b) may authorize the seizure of electronic storage media or the seizure or copying of electronically stored information. Unless otherwise specified, the warrant authorizes a later review of the media or information consistent with the warrant. The time for executing the warrant in Rule 41(d)(5)(VI) refers to the seizure or on-site copying of the media or information, and not to any later off-site copying or review.

(e) – (h) [NO CHANGE]

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(e) – (h) [NO CHANGE]

Amended and Adopted by the Court, En Banc, January, 11, 2018, effective immediately.

By the Court:

Nathan B. Coats
Justice, Colorado Supreme Court