



**FINAL
FISCAL NOTE**

Drafting Number: LLS 12-0456**Date:** July 23, 2012**Prime Sponsor(s):** Rep. Waller
Sen. Newell**Bill Status:** Signed into Law**Fiscal Analyst:** Alex Schatz (303-866-4375)

TITLE: CONCERNING ELECTRONIC COURT DOCUMENTS.**Summary of Legislation**

This bill modifies the statutory procedure for electronic transmission of documents required for arrest and search warrants.

The bill clarifies that warrants and affidavits received electronically may be signed electronically and treated as original documents for the purposes of criminal procedure. Judges are permitted to administer by phone the oath to receive a sworn or affirmed warrant affidavit. Issuing judges and magistrates are directed to facilitate the filing of the original affidavit and warrant with the clerk of court, and to forward a copy of the affidavit and warrant, with electronic signatures, to the law enforcement agency or other affiant. To issue a warrant, a court must possess either a faxed or electronic copy of search and arrest documents with valid signatures.

The bill was signed into law by the Governor on March 22, 2012, and takes effect August 8, 2012, assuming no referendum petition is filed.

Assessment

The bill is assessed as having no fiscal impact.

On June 16, 2011, the Colorado Supreme Court adopted and made immediately effective Rule Change 2011 (7), which contains substantially the same language as the bill. Rule Change 2011 (7) amended Colorado Rule of Criminal Procedure 41 (c)(3). The equivalent statute, Section 16-1-106 (3)(b), C.R.S., is made conforming by this bill.

The fiscal note assumes that law enforcement and judicial agencies have been in compliance with amended C.R.Crim.P. 41 (c)(3) since its effective date in 2011. The bill, therefore, represents no change to current practice.

Departments Contacted

Judicial

Public Safety

Law

Corrections

Local Affairs