

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0345.01 Brita Darling

HOUSE BILL 11-1018

HOUSE SPONSORSHIP

Tyler,

SENATE SPONSORSHIP

King S.,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING ELECTRONICALLY TRANSMITTED COURT DOCUMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill permits a seal to be electronically attached to or logically associated with an electronic record or document.

The bill provides that an electronically submitted arrest warrant or search warrant affidavit that includes an electronic signature shall be marked as "original" and an arrest or search warrant issued by a judge or magistrate that includes an electronic signature shall be marked as "original". The issuing judge or magistrate shall facilitate the filing of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unam ended
February 28, 2011

SENATE
2nd Reading Unam ended
February 25, 2011

HOUSE
3rd Reading Unam ended
January 26, 2011

HOUSE
2nd Reading Unam ended
January 25, 2011

warrant and affidavit with the clerk of court in a format that cannot be altered and shall forward a copy to the affiant containing the electronic signatures.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 13-1-113 (1), Colorado Revised Statutes, is
3 amended to read:

4 **13-1-113. Seal - how attached.** (1) A seal of a court or public
5 officer, when required on any writ, process, or proceeding or to
6 authenticate a copy of any record or document, may be impressed with
7 wax, wafer, or any other substance and then attached to the writ, process,
8 or proceeding or to the copy of the record or document, or it may be
9 impressed on the paper alone ~~but~~; OR ELECTRONICALLY ATTACHED TO OR
10 LOGICALLY ASSOCIATED WITH AN ELECTRONIC RECORD OR DOCUMENT.
11 When jury summonses, subpoenas, or subpoenas duces tecum are
12 prepared by means of mechanical reproduction, the seal of the
13 summoning court may be printed thereon instead of being impressed.

14 **SECTION 2.** 16-1-106 (3) (b), Colorado Revised Statutes, is
15 amended to read:

16 **16-1-106. Electronic transmission of documents required for**
17 **arrest and search warrants under code authorized - definitions.**

18 ~~(3) (b) A warrant issued by a judge or magistrate by an electronic transfer~~
19 ~~or a warrant signed electronically shall be considered the original~~
20 ~~document. The issuing judge or magistrate shall mark the warrant as~~
21 ~~"original" and facilitate the filing of the warrant with the court clerk. Any~~
22 ~~documents authorized by this section from the affiant that are~~
23 ~~electronically filed or signed electronically shall be considered a copy.~~

24 A JUDGE OR MAGISTRATE SHALL MARK AS "ORIGINAL" AN AFFIDAVIT

1 RECEIVED BY ELECTRONIC TRANSFER THAT INCLUDES AN ELECTRONIC
2 SIGNATURE. ANY WARRANT ISSUED BY A JUDGE OR MAGISTRATE BY
3 ELECTRONIC TRANSFER THAT INCLUDES AN ELECTRONIC SIGNATURE SHALL
4 BE CONSIDERED THE ORIGINAL DOCUMENT AND MARKED AS "ORIGINAL".

5 THE JUDGE OR MAGISTRATE SHALL:

6 (I) FACILITATE THE FILING OF THE ORIGINAL AFFIDAVIT AND
7 WARRANT WITH THE CLERK OF THE COURT IN A FORMAT THAT CANNOT BE
8 ALTERED; AND

9 (II) FORWARD A COPY OF THE WARRANT AND AFFIDAVIT
10 CONTAINING ELECTRONIC SIGNATURES TO THE AFFIANT.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.