

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 12-0456.01 Michael Dohr x4347

**HOUSE BILL 12-1095**

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**HOUSE SPONSORSHIP**

**Waller,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ELECTRONIC COURT DOCUMENTS.**

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**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 conforms statutory language related to electronic warrants to the language in court rules.

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

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.*

HOUSE  
2nd Reading Unamended  
February 24, 2012

1           **SECTION 1.** In Colorado Revised Statutes, 16-1-106, **amend** (3)  
2 (b) as follows:

3           **16-1-106. Electronic transmission of documents required for**  
4 **arrest and search warrants under code authorized - definitions.**

5 (3) (b) ~~A judge or magistrate shall mark as "original" an affidavit~~  
6 ~~received by electronic transfer that includes an electronic signature. Any~~  
7 ~~warrant issued by a judge or magistrate by electronic transfer that~~  
8 ~~includes an electronic signature shall be considered the original document~~  
9 ~~and marked as "original". The judge or magistrate shall:~~ A WARRANT,

10 SIGNED AFFIDAVIT, AND ACCOMPANYING DOCUMENTS MAY BE  
11 TRANSMITTED BY ELECTRONIC FACSIMILE TRANSMISSION OR BY  
12 ELECTRONIC TRANSFER WITH ELECTRONIC SIGNATURES TO THE JUDGE,  
13 WHO MAY ACT UPON THE TRANSMITTED DOCUMENTS AS IF THEY WERE  
14 ORIGINALS. A WARRANT AFFIDAVIT MAY BE SWORN TO OR AFFIRMED BY  
15 ADMINISTRATION OF THE OATH OVER THE TELEPHONE BY THE JUDGE. THE  
16 AFFIDAVIT WITH ELECTRONIC SIGNATURE RECEIVED BY THE JUDGE OR  
17 MAGISTRATE AND THE WARRANT APPROVED BY THE JUDGE OR  
18 MAGISTRATE, SIGNED WITH ELECTRONIC SIGNATURE, SHALL BE DEEMED  
19 ORIGINALS. THE JUDGE OR MAGISTRATE SHALL FACILITATE THE FILING OF  
20 THE ORIGINAL AFFIDAVIT AND ORIGINAL WARRANT WITH THE CLERK OF  
21 THE COURT AND SHALL TAKE REASONABLE STEPS TO PREVENT TAMPERING  
22 WITH THE AFFIDAVIT AND WARRANT. THE ISSUING JUDGE OR MAGISTRATE  
23 SHALL ALSO FORWARD A COPY OF THE WARRANT AND AFFIDAVIT, WITH  
24 ELECTRONIC SIGNATURES, TO THE AFFIANT. THIS SUBSECTION (3) DOES  
25 NOT AUTHORIZE THE COURT TO ISSUE WARRANTS WITHOUT HAVING IN ITS  
26 POSSESSION EITHER A FAXED COPY OF THE SIGNED AFFIDAVIT AND  
27 WARRANT OR AN ELECTRONIC COPY OF THE AFFIDAVIT AND WARRANT

1 WITH ELECTRONIC SIGNATURES.

2 ~~(I) Facilitate the filing of the original affidavit and warrant with~~  
3 ~~the clerk of the court in a format that cannot be altered; and~~

4 ~~(II) Forward a copy of the warrant and affidavit containing~~  
5 ~~electronic signatures to the affiant.~~

6 **SECTION 2. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly (August  
9 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within such period, then the act, item, section, or part will not take effect  
13 unless approved by the people at the general election to be held in  
14 November 2012 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.