

CHAPTER 18

COURTS

HOUSE BILL 11-1018

BY REPRESENTATIVE(S) Tyler, Barker, Duran, Fields, Fischer, Hullinghorst, Kagan, Lee, Looper, Murray, Nikkel, Pace, Priola, Ryden, Schafer S., Solano, Todd, Vigil;
also SENATOR(S) King S., Boyd, Giron, Guzman, Jahn, Newell, Williams S.

AN ACT**CONCERNING ELECTRONICALLY TRANSMITTED COURT DOCUMENTS.**

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

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

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

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

16-1-106. Electronic transmission of documents required for arrest and search warrants under code authorized - definitions. (3) (b) ~~A warrant issued by a judge or magistrate by an electronic transfer or a warrant signed electronically shall be considered the original document. The issuing judge or magistrate shall mark the warrant as "original" and facilitate the filing of the warrant with the court clerk. Any documents authorized by this section from the affiant that are electronically filed or signed electronically shall be considered a copy.~~ A JUDGE OR MAGISTRATE SHALL MARK AS "ORIGINAL" AN AFFIDAVIT RECEIVED BY ELECTRONIC TRANSFER THAT INCLUDES AN ELECTRONIC SIGNATURE. ANY WARRANT ISSUED BY A JUDGE OR MAGISTRATE BY ELECTRONIC TRANSFER THAT INCLUDES AN ELECTRONIC

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SIGNATURE SHALL BE CONSIDERED THE ORIGINAL DOCUMENT AND MARKED AS "ORIGINAL". THE JUDGE OR MAGISTRATE SHALL:

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

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

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

Approved: March 11, 2011