

RULE CHANGE 2025(16)

COLORADO RULES OF CRIMINAL PROCEDURE

Rule 41. Search, Seizure, and Confession

(a) - (b) [NO CHANGE]

(c) Application for Search Warrant.

(1) - (2) [NO CHANGE]

(2.5) A no-knock search warrant, which means, for purposes of this section, a search warrant authorized by the court to be executed by law enforcement officers ~~through a forcible entry without first announcing their identity, purpose, and authority~~ which does not require compliance with the knock-and-announce requirements of section 16-3-305(7)(d), C.R.S., shall be issued only if the affidavit for such warrant:

(I) Complies with the provisions of subsections (1) and (2) of this section (c) and section 16-3-303(4), C.R.S.;

(II) Specifically requests the issuance of a no-knock search warrant;

(III) ~~Relates sufficient circumstances to support the issuance of a no-knock search warrant~~ Establishes that a no-knock entry is necessary because of a credible threat to the life of any person, including the peace officers executing the warrant;

(IV) Has been reviewed and approved for legal sufficiency and signed by a district attorney with the date and ~~his or her~~ attorney registration number on the affidavit, pursuant to section 20-1-106.1 ~~(1)(b)2~~, C.R.S.; and

(V) If the grounds for the issuance of a no-knock warrant are established by a confidential informant, the affidavit for such warrant shall contain a statement by the affiant concerning when such grounds became known or were verified by the affiant, but such statement shall not identify the confidential informant.

(3) [NO CHANGE]

(d) Issuance, Contents, Execution, and Return of Warrant.

(1) If the judge is satisfied that grounds for the application exist, or that there is probable cause to believe that such grounds exist, ~~he~~ the judge shall issue a search warrant, which shall:

(I) - (IV) [NO CHANGE]

(2) [NO CHANGE]

(3) Unless the court otherwise directs, and as limited for search warrants of dwellings as outlined in section 16-3-305(7), every search warrant authorizes the officer executing the same:

(I) - (II) [NO CHANGE]

(4) [NO CHANGE]

(5) *Execution and Return.*

(I) [NO CHANGE]

(II) Any judge issuing a search warrant, for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported may make an order authorizing a peace officer to be named in such warrant to execute the same, and the person named in such order may execute such warrant anywhere in the state. All sheriffs, coroners, police officers, and officers of the Colorado State Patrol, when required, in their respective counties, shall aid and assist in the execution of such warrant. The order authorized by this subsection (5) may also authorize execution of the warrant by any officer authorized by law to execute it in the county wherein the property is located. When a peace officer, having a warrant for the search of a dwelling, executes the search warrant, the officer shall:

(A) Execute the warrant between the hours of 7 a.m. and 7 p.m. unless the judge, for good cause, expressly authorizes execution at another time;

(B) Be readily identifiable as a law enforcement officer in uniform or wearing visible law enforcement badge and clearly identify themselves as a law enforcement officer;

(C) Wear and activate a body-work camera as required by section 24-831-902(1)(a)(II)(A) when entering a premises for the purpose of enforcing the law; and

(D) Knock-and-announce the officer's presence at a volume loud enough for the officer to reasonably believe the occupants inside can hear, allow a reasonable amount of time before entering given the size of the dwelling for someone to get to the door, and delay entry if the officer has reason to believe that someone is approaching the dwelling's entrance with the intent of voluntarily allowing the officer to enter the dwelling; except that this subsection (D) does not apply if:

(i) A court authorizes a no-knock warrant pursuant to section 16-3-303; or

(ii) The circumstances known to the officer at the time the warrant is to be executed provide an objectively reasonable basis to believe that a no-knock entry or not reasonable amount of time is necessary because of an emergency threatening the life of or grave injury to a person, provided that the imminent danger is not created by law enforcement itself.

(III) Any judge issuing a search warrant, for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported may make an order authorizing a peace officer to be named in such warrant to execute the same, and the person named in such order may execute such warrant anywhere in the state. All sheriffs, coroners, police officers, and officers of the Colorado State Patrol, when required, in their respective counties, shall aid and assist in the execution of such warrant. The order authorized by this subsection (5) may also authorize execution of the warrant by any officer authorized by law to execute it in the county wherein the property is located.

When any officer, having a warrant for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported, shall be in

pursuit thereof and such person, motor vehicle, aircraft, or other object shall cross or enter into another county, such officer is authorized to execute the warrant in such other county.

(IV) [NO CHANGE]

(V) The officers executing a search warrant shall first announce their identity, purpose, and authority, and if they are not admitted, may make a forcible entry into the place to be searched; however, the officers may make forcible entry without such prior announcement if the warrant expressly authorizes them to do so or if ~~the particular facts and circumstances known to them at the time the warrant is to be executed adequately justify dispensing with this requirement~~ the circumstances known to the officer at the time the warrant is executed provide an objectively reasonable basis to believe that a no-knock entry or not waiting a reasonable amount of time is necessary because of an emergency threatening the life of or grave injury to a person, provided that the imminent danger is not created by law enforcement itself.

(VI) - (VII) [NO CHANGE]

(e) - (f) [NO CHANGE]

(g) Suppression of Confession or Admission. A defendant aggrieved by an alleged involuntary confession or admission ~~made by him,~~ may make a motion under this Rule to suppress said confession or admission. The motion shall be made and heard before trial unless opportunity therefor did not exist or defendant was not aware of the grounds for the motion, but the court, in its discretion, may entertain the motion at the trial. The judge shall receive evidence on any issue of fact necessary to the decision of the motion.

(h) [NO CHANGE]

COMMITTEE COMMENT [NO CHANGE]

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(I) Complies with the provisions of subsections (1) and (2) of this section (c) and section 16-3-303(4), C.R.S.;

(II) Specifically requests the issuance of a no-knock search warrant;

(III) Establishes that a no-knock entry is necessary because of a credible threat to the life of any person, including the peace officers executing the warrant;

(IV) Has been reviewed and approved for legal sufficiency and signed by a district attorney with the date and attorney registration number on the affidavit, pursuant to section 20-1-106.1(1)(b), C.R.S.; and

(V) If the grounds for the issuance of a no-knock warrant are established by a confidential informant, the affidavit for such warrant shall contain a statement by the affiant concerning when such grounds became known or were verified by the affiant, but such statement shall not identify the confidential informant.

(3) [NO CHANGE]

(d) Issuance, Contents, Execution, and Return of Warrant.

(1) If the judge is satisfied that grounds for the application exist, or that there is probable cause to believe that such grounds exist, the judge shall issue a search warrant, which shall:

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(3) Unless the court otherwise directs, and as limited for search warrants of dwellings as outlined in section 16-3-305(7), every search warrant authorizes the officer executing the same:

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- (A) Execute the warrant between the hours of 7 a.m. and 7 p.m. unless the judge, for good cause, expressly authorizes execution at another time;
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 - (i) A court authorizes a no-knock warrant pursuant to section 16-3-303; or
 - (ii) The circumstances known to the officer at the time the warrant is to be executed provide an objectively reasonable basis to believe that a no-knock entry or not reasonable amount of time is necessary because of an emergency threatening the life of or grave injury to a person, provided that the imminent danger is not created by law enforcement itself.

(III) Any judge issuing a search warrant, for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported may make an order authorizing a peace officer to be named in such warrant to execute the same, and the person named in such order may execute such warrant anywhere in the state. All sheriffs, coroners, police officers, and officers of the Colorado State Patrol, when required, in their respective counties, shall aid and assist in the execution of such warrant. The order authorized by this subsection (5) may also authorize execution of the warrant by any officer authorized by law to execute it in the county wherein the property is located.

When any officer, having a warrant for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported, shall be in pursuit thereof and such person, motor vehicle, aircraft, or other object shall cross or enter into another county, such officer is authorized to execute the warrant in such other county.

(IV) [NO CHANGE]

(V) The officers executing a search warrant shall first announce their identity, purpose, and authority, and if they are not admitted, may make a forcible entry into the place to be searched; however, the officers may make forcible entry without such prior announcement if the warrant expressly authorizes them to do so or if the circumstances known to the officer at the time the warrant is executed provide an objectively reasonable basis to believe that a no-knock entry or not waiting a reasonable amount of time is necessary because of an emergency threatening the

life of or grave injury to a person, provided that the imminent danger is not created by law enforcement itself.

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(h) [NO CHANGE]

COMMITTEE COMMENT [NO CHANGE]

Amended and Adopted by the Court, En Banc, July 31, 2025, effective September 2, 2025.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**