Supreme Court of Kentucky

2010-01

IN RE: Authorization for E-Warrant Project

AMENDED ORDER

I. **PREAMBLE**

This order is in addition to any prior orders entered concerning the E-Warrant System and does not affect the validity of said orders.

II. **INTRODUCTION**

This order hereby authorizes a statewide system (hereinafter "E-Warrant System"), designed to track arrest warrants, criminal summons, bench warrants, and Emergency Protective Orders (EPO's) issued in Kentucky. Law enforcement personnel, prosecutors, and court officials in various counties have agreed to participate in a pilot project (hereinafter "E-Warrant Project"), the first of which was implemented effective September 23, 2008.

III. **PURPOSE**

The purpose of the E-Warrant Project is to electronically create the following arrest warrants, criminal summons, bench warrants, and EPO's in three phases:

A. Phase I

Arrest warrants issued pursuant to a complaint, criminal summons issued pursuant to a complaint, arrest warrants issued pursuant to an indictment or information, and bench warrants, issued after the effective date in each locale.

B. Phase II

Unexecuted arrest warrants issued pursuant to complaint, unserved criminal summons issued pursuant to a complaint, unexecuted arrest warrants issued pursuant to an indictment or information, and unexecuted bench warrants, issued prior to the effective date in each locale.

C. Phase III

    Emergency protective orders (EPO's) issued after completion of a written implementation plan between AOC and KOHS.

IV. IMPLEMENTATION

A. Phase I

    1. Upon the effective date, each Circuit, District, *or* Senior Status Judge (hereinafter judge); trial commissioner authorized per SCR 5.000 et seq.; clerk authorized per KRS 15.725(5)l; and clerk authorized per RCr 6.52 and RCr 6.54; shall have an electronic in-basket of e-warrants for review.

    2. If a judge, a trial commissioner authorized per SCR 5.000 et seq., a clerk authorized per KRS 15.725(5), or a clerk authorized per RCr 6.52 and RCr 6.54 issues an e-warrant/summons/bench warrant, then he or she shall date and affix his or her electronic signature to the e-warrant/summons/bench warrant.

B. Phase II

    Unexecuted arrest warrants issued pursuant to complaint, unserved criminal summons issued pursuant to a complaint, unexecuted arrest warrants issued pursuant to an indictment or information, and unexecuted bench warrants issued prior to the effective date in each locale shall be scanned into the E-Warrants System.

C. Phase III

    EPO's issued after implementation date as agreed upon in Section III, Subsection C, above.

V. AUTHORIZATION FOR ELECTRONIC SIGNATURE

A. It is hereby ordered that, effective September 23, 2008, in the Commonwealth of Kentucky, the judge; the trial commissioners authorized per SCR 5.000 et seq.; the clerks authorized per KRS 15.725(5); and the clerks authorized per RCr 6.52 and RCr 6.54; are hereby authorized to affix their electronic signature to warrants/summons that are submitted via the E-Warrant System.

B. The electronic signature shall only be applied to warrants/summons and EPO's issued by the judge, warrants issued by trial commissioners per SCR 5.000 et seq., warrants issued by a clerk per KRS 15.725(5), and warrants issued by a clerk per RCr 6.52 and RCr 6.54. Additionally, authority to electronically sign warrants/summons or EPO's shall not be delegated to another person.

C. This authorization shall be for the limited purpose of issuing e-warrants/summons, bench warrants and EPO's via the E-Warrant System.

D. The electronic signature of the judge, the trial commissioner authorized by SCR 5.00 et seq., the clerks authorized per KRS 15.725(5), and the clerks authorized per RCr 6.52 and RCr 6.54 shall constitute proof that he or she signed the e-warrants/summons, bench warrants or EPO's.

E. Business rules relating to the electronic signature shall be governed by policies established by the Administrative Office of the Courts.

F. Any sworn peace officer, as defined by statute, shall have authority to electronically sign a criminal complaint for a warrant/summons or an affidavit for search warrant under penalty of perjury following the administration of the oath. For the purposes of the e-warrants pilot project, the oath may be administered telephonically by the judge or by a person empowered and authorized to administer oaths pursuant to RCr 2.02, who shall note the administration of the oath by electronic signature.

VI. TERMINATION OR EXPANSION

The Chief Justice shall have the sole authority to terminate or expand the scope of this pilot project.

ENTERED this the _5th_ day of January, 2010.

Chief Justice John D. Minton, Jr.