

Supreme Court of Kentucky

2023-29

ORDER

IN RE: Authorization for eSearch Warrant System

Pursuant to Section 116 of the Kentucky Constitution, Supreme Court Rule 1.010, and KRS 455.170, the Kentucky Supreme Court hereby authorizes the development and use of a statewide eSearch Warrant System (“eSearch Warrants”) designed to facilitate the electronic creation, submission, authorization, sealing, and return of search warrants in furtherance of the consensus recommendations of the Attorney General’s Search Warrant Task Force, convened in 2021 by OAG Executive Order 2021-05. eSearch Warrants builds upon the highly successful eWarrant System (“eWarrants”) launched by Kentucky State Police in partnership with the Court of Justice in 2008. See Administrative Order 2010-01, Authorization for E-Warrant Project.

Like eWarrants, eSearch Warrants eliminates unnecessary travel and automates much of the recordkeeping function. Further, use of eSearch Warrants provides an accessible and secure workflow and allows for better control, accountability, and reporting tools for search warrants across the Commonwealth.

All law enforcement personnel, prosecutors, circuit and district court judges, and circuit court clerks are strongly encouraged to utilize eSearch Warrants as it becomes available in their jurisdiction.

Further, in conjunction with the development and use of eSearch Warrants, the Supreme Court hereby orders that, effective March 16, 2022:

- A. In the Commonwealth of Kentucky, a judge is authorized to affix his or her electronic signature to search warrants and related orders that are submitted via or generated by eSearch Warrants.
- B. A judge's authority to electronically sign search warrants and related orders shall not be delegated.
- C. This authorization shall be for the limited purpose of issuing search warrants and entering related orders via eSearch Warrants.
- D. The electronic signature of the judge shall constitute proof that he or she signed the search warrant and the related order(s) to which it is applied.
- 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 an affidavit for search warrant via eSearch Warrants under penalty of perjury following the administration of the oath.
- G. The judge or a person empowered and authorized to administer oaths pursuant to RCr 2.02 shall have authority to note the administration of the oath by electronic signature via eSearch Warrants.
- H. The prosecutor shall have the authority to note his or her approval of the sworn peace officer's affidavit for search warrant by electronic signature via eSearch Warrants.

This order is in addition to, and does not affect the validity of, any prior orders entered concerning eWarrants. It shall be effective March 16, 2022, *nunc pro tunc*, and until further order of this Court.

Entered this 18th day of August 2023.

All sitting; all concur.


CHIEF JUSTICE