



PRESERVATION AND STORAGE OF SEARCH WARRANT RECORDS

Pursuant to the Vermont Constitution Ch. II, § 37 and 4 V.S.A. § 740, it is hereby ordered:

§ 1. Court records required to be preserved and stored under 4 V.S.A. § 740 include records of search warrant requests that are not granted and records of search warrant requests that are granted as of the time that the judge issues the search warrant.

§ 2. The Advisory Committee on the Rules of Criminal Procedure is requested to propose to this Court amendments to Rule 41 of the Vermont Rules of Criminal Procedure to implement this administrative order.

This order is promulgated without notice and comment because it has come to the attention of the Court that documents that are court records – that is, certain records related to requests for search warrants and the issuance of search warrants -- are not being filed and maintained in the appropriate court facility or not being filed when the court record is generated. While this administrative order establishes the proper policy, amendments to Rule 41 of the Vermont Rules of Criminal Procedure are required to provide the implementing procedure.

This order shall be effective immediately.

Dated in Chambers at Montpelier, Vermont this 20th day of January, 2012.

Handwritten signature of Paul L. Reiber in black ink.

Paul L. Reiber, Chief Justice

Handwritten signature of John A. Dooley in black ink.

John A. Dooley, Associate Justice

Handwritten signature of Marilyn S. Skoglund in black ink.

Marilyn S. Skoglund, Associate Justice

Handwritten signature of Brian L. Burgess in black ink.

Brian L. Burgess, Associate Justice

Handwritten signature of Beth Robinson in black ink.

Beth Robinson, Associate Justice