

Rule 37. Search Warrants on Written Application**Rule 37.01 General Rule**

Search warrant applications must be supported by a written affidavit signed under oath, a signed statement attested to under oath, or by a written statement signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116. The judge to whom a search warrant application is submitted has the discretion not to administer an oath to the applicant if the affidavit in support of the search-warrant application was signed under oath and notarized by a notarial officer pursuant to Minnesota Statutes, chapter 358, or signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116.

Rule 37.02 Electronic Transmission and Signature

Search warrant applications, including requests for orders under Minnesota Statutes, chapter 626A, search warrants, and orders may be signed and transmitted electronically. A search warrant or order signed electronically or sent by electronic means is valid and enforceable.

If the judge administers an oath via telephone, radio, or similar means of communication, and the applicant does no more than attest to the contents of a signed statement that was transmitted electronically, a verbatim recording of the oath and attestation is not required. The judge must note on the warrant that the person submitting the application was duly sworn and by what means of communication. If any oral testimony is to be taken in support of the application, the judge must proceed as required by Rule 36.

(Added effective October 1, 2016.)

Comment - Rule 37

Search warrants may be requested by a written affidavit signed under oath, a signed statement attested to under oath, a written statement signed under penalty of perjury, or by sworn oral testimony, and may be obtained in person and signed on paper; exchanged electronically and signed on paper; or exchanged and signed electronically. The rules do not require a warrant to be obtained in a particular manner. With the number of variations in how a warrant may be requested, how the documents may be transmitted, and how the signature may be applied, there is no longer what was traditionally considered an "original" warrant in many circumstances. Regardless of the method by which the warrant was obtained, if the warrant was requested and signed under one of the approved processes, the warrant is valid and enforceable.