

109TH CONGRESS
1ST SESSION

S. 316

A bill to limit authority to delay notice of search warrants.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

A bill to limit authority to delay notice of search warrants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reasonable Notice and
5 Search Act”.

6 **SEC. 2. LIMITATION ON AUTHORITY TO DELAY NOTICE OF**
7 **SEARCH WARRANTS.**

8 Section 3103a of title 18, United States Code, is
9 amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1), by striking “may
12 have an adverse result (as defined in section

1 2705)” and inserting “will endanger the life or
2 physical safety of an individual, result in flight
3 from prosecution, result in the destruction of or
4 tampering with the evidence sought under the
5 warrant, or result in intimidation of potential
6 witnesses”; and

7 (B) in paragraph (3), by striking “a rea-
8 sonable period” and all that follows and insert-
9 ing “7 calendar days, which period, upon appli-
10 cation of the Attorney General, the Deputy At-
11 torney General, or an Associate Attorney Gen-
12 eral, may thereafter be extended by the court
13 for additional periods of up to 7 calendar days
14 each if the court finds, for each application,
15 reasonable cause to believe that notice of the
16 execution of the warrant will endanger the life
17 or physical safety of an individual, result in
18 flight from prosecution, result in the destruc-
19 tion of or tampering with the evidence sought
20 under the warrant, or result in intimidation of
21 potential witnesses.”; and

22 (2) by adding at the end the following:

23 “(c) REPORTS.—

24 “(1) IN GENERAL.—On a semiannual basis, the
25 Attorney General shall transmit to Congress and

1 make public a report concerning all requests for
2 delays of notice, and for extensions of delays of no-
3 tice, with respect to warrants under subsection (b).

4 “(2) CONTENTS.—Each report under para-
5 graph (1) shall include, with respect to the preceding
6 6-month period—

7 “(A) the total number of requests for
8 delays of notice with respect to warrants under
9 subsection (b);

10 “(B) the total number of such requests
11 granted or denied;

12 “(C) for each request for delayed notice
13 that was granted, the total number of applica-
14 tions for extensions of the delay of notice and
15 the total number of such extensions granted or
16 denied; and

17 “(D) on an aggregate basis, the nature of
18 the crime being investigated for each request
19 for delay of notice that was granted or de-
20 nied.”.

21 **SEC. 3. SUNSET ON DELAYED NOTICE AUTHORITY.**

22 (a) PATRIOT ACT.—Section 224(a) of the USA PA-
23 TRIOT Act of 2001 (Public Law 107–56; 115 Stat. 295)
24 is amended by striking “213,”.

1 (b) AMENDMENTS.—The amendments made by this
2 Act shall sunset as provided in section 224 of the USA
3 PATRIOT Act of 2001.

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