

108TH CONGRESS
1ST SESSION

S. 1701

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2003

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, or result in the destruction of
4 or tampering with the evidence sought under
5 the warrant”; and

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

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

21 “(c) REPORTS.—

22 “(1) IN GENERAL.—On a semiannual basis, the
23 Attorney General shall transmit to Congress and
24 make public a report concerning all requests for

1 delays of notice, and for extensions of delays of no-
2 tice, with respect to warrants under subsection (b).

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

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

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

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

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

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

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

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