

110TH CONGRESS
1ST SESSION

S. 2435

To limit authority to delay notice of search warrants.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2007

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

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, except if the adverse results consist only
2 of unduly delaying a trial)” and inserting “will
3 endanger the life or physical safety of an indi-
4 vidual, result in flight from prosecution, result
5 in the destruction of or tampering with the evi-
6 dence sought under the warrant, or result in in-
7 timidation of potential witnesses”; and

8 (B) in paragraph (3), by striking “30
9 days” and all that follows and inserting “7 days
10 after the date of its execution.”; and

11 (2) in subsection (e), by striking “for good
12 cause shown” and all that follows and inserting
13 “upon application of the Attorney General, the Dep-
14 uty Attorney General, or an Associate Attorney Gen-
15 eral, for additional periods of not more than 21 cal-
16 endar days for each such application, if the court
17 finds, for each such application, reasonable cause to
18 believe that notice of the execution of the warrant
19 will endanger the life or physical safety of an indi-
20 vidual, result in flight from prosecution, result in the
21 destruction of or tampering with the evidence sought
22 under the warrant, or result in intimidation of po-
23 tential witnesses.”.

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

2 Section 102(b) of the USA PATRIOT Improvement
3 and Reauthorization Act of 2005 (50 U.S.C. 1805 note)
4 is amended—

5 (1) in the subsection heading, by inserting “,
6 213,” before “AND 215”; and

7 (2) in paragraph (1), by inserting “section
8 3103a of title 18, United States Code, is amended
9 so that section reads as it read on October 25, 2001,
10 and” before “the Foreign Intelligence”.

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