

1994—Par. (1)(B)(iii). Pub. L. 103-322 substituted “kidnapping” for “kidnaping”.

Par. (8). Pub. L. 103-359 added par. (8).

1990—Pub. L. 101-647 substituted a semicolon for a period at end of pars. (1) to (3), moved the comma from before the close quotation mark to after that mark in par. (4), substituted a semicolon for a period at end of par. (5), and substituted “; and” for period at end of par. (6).

1988—Par. (4). Pub. L. 100-690 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “‘United States’—

“(A) when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States; and

“(B) when used in the context of section 3073 shall have the meaning given to it in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).”

CHAPTER 205—SEARCHES AND SEIZURES

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CODIFICATION

Pub. L. 90-351 enacted section 3103a of this title as part of chapter 204, and Pub. L. 90-462, § 3, Aug. 8, 1968, 82 Stat. 638, corrected the chapter designation from 204 to 205.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3573(d), Nov. 29, 1990, 104 Stat. 4929, struck out item 3112 “Search warrants for seizure of animals, birds, or eggs” and renumbered item 3117, “Implied consent for certain tests”, as 3118.

1988—Pub. L. 100-690, title VI, § 6477(b)(2), Nov. 18, 1988, 102 Stat. 4381, added item 3117 “Implied consent for certain tests”.

1986—Pub. L. 99-508, title I, § 108(b), Oct. 21, 1986, 100 Stat. 1858, added item 3117 “Mobile tracking devices”.

1968—Pub. L. 90-351, title IX, § 1401(b), June 19, 1968, 82 Stat. 238, added item 3103a.

CHANGE OF NAME

Words “magistrate judge” substituted for “magistrate” in item 3116 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 3101. Effect of rules of court—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Rules generally applicable throughout United States, Rule 54.

Acts of Congress superseded, Rule 41(g).

(June 25, 1948, ch. 645, 62 Stat. 819.)

REFERENCES IN TEXT

Rule 41(g), referred to in text, was relettered 41(h) by 1972 amendment eff. Oct. 1, 1972.

§ 3102. Authority to issue search warrant—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Federal, State or Territorial Judges, or U.S. magistrate judges authorized to issue search warrants, Rule 41(a).

(June 25, 1948, ch. 645, 62 Stat. 819; Pub. L. 90-578, title III, § 301(a)(4), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1968—Pub. L. 90-578 substituted “magistrates” for “Commissioners”.

CHANGE OF NAME

“U.S. magistrate judges” substituted for “U.S. magistrates” in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 3103. Grounds for issuing search warrant—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Grounds prescribed for issuance of search warrant, Rule 41(b).

(June 25, 1948, ch. 645, 62 Stat. 819.)

§ 3103a. Additional grounds for issuing warrant

(a) IN GENERAL.—In addition to the grounds for issuing a warrant in section 3103 of this title, a warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States.

(b) DELAY.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705, except if the adverse results consist only of unduly delaying a trial)¹;

(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, ex-

¹ So in original. The closing parenthesis probably should follow “section 2705”.