

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

(5) “State” includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States;

(6) “government entity” includes the Government of the United States, any State or political subdivision thereof, any foreign country, and any state, provincial, municipal, or other political subdivision of a foreign country;

(7) “Attorney General” means the Attorney General of the United States or that official designated by the Attorney General to perform the Attorney General’s responsibilities under this chapter; and

(8) “act of espionage” means an activity that is a violation of—

(A) section 793, 794, or 798 of this title; or

(B) section 4 of the Subversive Activities Control Act of 1950.

(Added Pub. L. 98-533, title I, §101(a), Oct. 19, 1984, 98 Stat. 2707; amended Pub. L. 100-690, title VII, §7051, Nov. 18, 1988, 102 Stat. 4401; Pub. L. 101-647, title XXXV, §3572, Nov. 29, 1990, 104 Stat. 4929; Pub. L. 103-322, title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 2150; Pub. L. 103-359, title VIII, §803(b), Oct. 14, 1994, 108 Stat. 3439; Pub. L. 104-294, title VI, §605(g), Oct. 11, 1996, 110 Stat. 3510; Pub. L. 107-56, title VIII, §802(b), Oct. 26, 2001, 115 Stat. 376.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 4 of the Subversive Activities Control Act of 1950, referred to in par. (8)(B), is classified to section 783 of Title 50, War and National Defense.

##### AMENDMENTS

2001—Par. (1). Pub. L. 107-56 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “act of terrorism” means an activity that—

“(A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and

“(B) appears to be intended—

“(i) to intimidate or coerce a civilian population;

“(ii) to influence the policy of a government by intimidation or coercion; or

“(iii) to affect the conduct of a government by assassination or kidnapping.”

1996—Par. (8)(A). Pub. L. 104-294 substituted “this title” for “title 18, United States Code”.

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

Sec.	
3101.	Effect of rules of court—Rule.
3102.	Authority to issue search warrant—Rule.
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3116.	Records of examining magistrate judge; return to clerk of court—Rule.
3117.	Mobile tracking devices.
3118.	Implied consent for certain tests.

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### AMENDMENTS

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

#### Statutory Notes and Related Subsidiaries

##### 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)<sup>1</sup>;

(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

(3) the warrant provides for the giving of such notice within a reasonable period not to exceed 30 days after the date of its execution,

or on a later date certain if the facts of the case justify a longer period of delay.

(c) EXTENSIONS OF DELAY.—Any period of delay authorized by this section may be extended by the court for good cause shown, subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay.

(d) REPORTS.—

(1) REPORT BY JUDGE.—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall report to the Administrative Office of the United States Courts—

(A) the fact that a warrant was applied for;

(B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

(C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

(D) the offense specified in the warrant or application.

(2) REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Beginning with the fiscal year ending September 30, 2007, the Director of the Administrative Office of the United States Courts shall transmit to Congress annually a full and complete report summarizing the data required to be filed with the Administrative Office by paragraph (1), including the number of applications for warrants and extensions of warrants authorizing delayed notice, and the number of such warrants and extensions granted or denied during the preceding fiscal year.

(3) REGULATIONS.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under paragraph (1).

(Added Pub. L. 90-351, title IX, §1401(a), June 19, 1968, 82 Stat. 238; amended Pub. L. 107-56, title II, §213, Oct. 26, 2001, 115 Stat. 285; Pub. L. 109-177, title I, §114, Mar. 9, 2006, 120 Stat. 210.)

#### Editorial Notes

##### 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

2006—Subsec. (b)(1). Pub. L. 109-177, §114(b), inserted “, except if the adverse results consist only of unduly delaying a trial” after “2705”.

Subsec. (b)(3). Pub. L. 109-177, §114(a)(1), added par. (3) and struck out former par. (3) which read as follows: “the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.”

<sup>1</sup> So in original. The closing parenthesis probably should follow “section 2705”.