

Effective 7/1/2014

77-23c-103 Notification required -- Delayed notification.

- (1) Except as provided in Subsection (2), a government entity that executes a warrant pursuant to Subsection 77-23c-102(1)(a) shall, within 14 days after the day on which the operation concludes, issue a notification to the owner of the electronic device specified in the warrant that states:
 - (a) that a warrant was applied for and granted;
 - (b) the kind of warrant issued;
 - (c) the period of time during which the collection of data from the electronic device was authorized;
 - (d) the offense specified in the application for the warrant;
 - (e) the identity of the government entity that filed the application; and
 - (f) the identity of the judge who issued the warrant.
- (2) A government entity seeking a warrant pursuant to Subsection 77-23c-102(1)(a) may submit a request, and the court may grant permission, to delay the notification required by Subsection (1) for a period not to exceed 30 days, if the court determines that there is probable cause to believe that the notification may:
 - (a) endanger the life or physical safety of an individual;
 - (b) cause a person to flee from prosecution;
 - (c) lead to the destruction of or tampering with evidence;
 - (d) intimidate a potential witness; or
 - (e) otherwise seriously jeopardize an investigation or unduly delay a trial.
- (3) When a delay of notification is granted under Subsection (2) and upon application by the government entity, the court may grant additional extensions of up to 30 days each.
- (4) Upon expiration of the period of delayed notification granted under Subsection (2) or (3), the government entity shall serve upon or deliver by first-class mail to the owner of the electronic device a copy of the warrant together with notice that:
 - (a) states with reasonable specificity the nature of the law enforcement inquiry; and
 - (b) contains:
 - (i) the information described in Subsections (1)(a) through (f);
 - (ii) a statement that notification of the search was delayed;
 - (iii) the name of the court that authorized the delay of notification; and
 - (iv) a reference to the provision of this chapter that allowed the delay of notification.
- (5) A government entity is not required to notify the owner of the electronic device if the owner is located outside of the United States.

Enacted by Chapter 223, 2014 General Session