

Effective 5/12/2015

77-23d-104 Notification required -- Delayed notification.

- (1) Except as provided in Subsection (2), a government entity that executes a search warrant that authorizes the use of an imaging surveillance device shall, within 14 days after the day on which the warrant is executed, provide notice to the individual who owns, resides in, or rents the structure specified in the warrant that states:
 - (a) that a warrant was applied for and granted;
 - (b) the type of warrant issued;
 - (c) the period of time during which the collection of data from the structure 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 name of the court that issued the warrant.
- (2) A government entity seeking a warrant described in Subsection 77-23d-103(1) may submit a request, and the court may grant permission, to delay the notification described in 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 an individual to flee from prosecution;
 - (c) lead to the destruction of or tampering with evidence;
 - (d) result in the intimidation of 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 individual who owns, resides in, or rents the structure specified in the warrant a copy of the warrant together with a 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 a structure if the owner is located outside of the United States.

Enacted by Chapter 447, 2015 General Session