

103^D CONGRESS
1ST SESSION

S. 77

To amend title 18 to limit the application of the exclusionary rule.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. THURMOND (for himself and Mr. DECONCINI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18 to limit the application of the exclusionary rule.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Exclusionary Rule
4 Limitation Act of 1993”.

5 SEC. 2. (a) Chapter 223 of title 18, United States
6 Code, is amended by adding the following two sections:

7 **“§3508. Limitation of the fourth amendment exclu-**
8 **sionary rule**

9 “Evidence which is obtained as a result of a search
10 or seizure shall not be excluded in a proceeding in a court
11 of the United States on the ground that the search or sei-

1 zure was in violation of the fourth amendment to the Con-
2 stitution of the United States, if the search or seizure was
3 undertaken in an objectively reasonable belief that it was
4 in conformity with the fourth amendment. A showing that
5 evidence was obtained pursuant to and within the scope
6 of a warrant constitutes prima facie evidence of such a
7 reasonable belief, unless the warrant was obtained through
8 intentional and material misrepresentation.

9 **“§ 3509. General limitation of the exclusionary rule**

10 “Except as specifically provided by statute or rule of
11 procedure, evidence which is otherwise admissible shall not
12 be excluded in a proceeding in a court of the United States
13 on the ground that the evidence was obtained in violation
14 of a statute or rule of procedure, or of a regulation issued
15 pursuant thereto.”.

16 (b) The table of sections of chapter 223 of title 18,
17 United States Code, is amended by adding at the end
18 thereof:

“3508. Limitation of the fourth amendment exclusionary rule.

“3509. General limitation of the exclusionary rule.”.

○