

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 665

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: Page 4, line 24, after the period insert "A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution."

H.R. 665

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: Page 9, after line 24, add the following:

(c) JUSTICE DEPARTMENT GUIDELINES RELATING TO COMMUNITY SERVICE.—The Department of Justice shall establish minimum guidelines for seeking community service by offenders in cases where such service would provide restitution to members of a community harmed by the criminal conduct of such offenders. Such service may include a requirement that a set percentage of the future profits of an organizational offender be used to educate the public about corporate crime and its control.

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 1: Page 3, line 12, strike "Rule" and insert "Rules".

Page 3, line 14, after "proceeding," insert "Nothing in this section shall be construed so as to violate the fourth article of amendment to the Constitution of the United States."

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 2: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

**SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.**

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

**"§2237. Good faith exception for evidence obtained by invalid warrant**

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

"(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Evidence obtained by invalid warrant."

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 3: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

**SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT OR STATUTE.**

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

**"§2237. Good faith exception for evidence obtained by invalid means**

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance—

"(1) on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

"(A) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(B) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(C) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(D) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid; or

"(2) on the constitutionality of a statute subsequently found to be constitutionally invalid."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Evidence obtained by invalid means."

H.R. 666

OFFERED BY: MR. DEFazio

AMENDMENT NO. 4: Strike all after the enacting clause and insert therein:

**"SECTION 1.**

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

**"§3510. Reaffirmation of the Bill of Rights.**

"(a) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

H.R. 666

OFFERED BY: MR. REED

AMENDMENT NO. 5: Page 1, strike line 6 and all that follows through the end and inserting the following:

**SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.**

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

**"§2237. Evidence obtained by invalid warrant**

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a de-

tached and neutral magistrate ultimately found to be invalid, unless—

"(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Evidence obtained by invalid warrant."

H.R. 666

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 6: Page 2, line 13, strike all after the word "States," and insert the following:

"provided that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

H.R. 667

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 1: After paragraph (2) of section 503(b) of the bill, add the following:

"(3) laws which allow the court to impose a sentence of life in prison without parole on a defendant in a criminal case who is convicted of a State offense for conduct which—

"(A) is an offense under section 2241 or 2242 of title 18, United States Code; or

"(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

after having previously been convicted of another State or Federal offense for conduct that was an offense described in subparagraph (A) or (B)."

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: Page 3, line 6, strike the word "assurances" and insert in lieu thereof the word "confirmation"

Page 3, line 12, strike the word "and"

Page 3, line 15, strike the period and add "and"

Page 3, after line 15, insert the following: "(4) decrease the rate of violent offenses committed in the State, taking into account the population of such State, at a level at least equivalent to the lesser of the percentage increase confirmed in section (1), (2) or (3) above."

Page 4, line 2, strike the word "assurances" and insert in lieu thereof the word "confirmation"

Page 4, line 17, strike the comma and replace it with a semicolon

Page 4, after line 17, insert the following: "(C) procedures for the collection of reliable statistical data which confirms the rate of serious violent felonies after the adoption of such truth-in-sentencing laws."

Page 5, line 3, strike the "—" and insert instead "confirms that"

Page 5, line 4, strike the word "and"

Page 5, line 8, strike the period and insert instead "; and (3) the rate of violent felony offenses committed in such State has decreased since such State commenced indeterminant sentencing for such offenses."

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 3: Page 12, strike lines 5-16 and insert instead the following:

"Prospective relief in a civil action with respect to prison conditions shall extend no further than necessary to remove the conditions that are causing the deprivation of Federal rights. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn and the least intrusive means to remedy the violation of the Federal right. In determining the appropriateness of the relief, the court shall give weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

Page 13, strike lines 1-17 and insert instead the following:

"In any civil action with respect to prison conditions, any prospective relief shall terminate upon a finding that the conditions against which prospective relief was ordered have been remedied."

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 4: Page 14, strike lines 1-11.

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 5: Page 15, strike lines 8-18.

Page 15, line 19, strike the letter "g" and insert instead the letter "f"

H.R. 729

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 1: Page 4, line 21, strike the period and insert the following:

"or a substantial showing that credible newly discovered evidence which, had it been presented at trial, would probably have resulted in an acquittal for the offense for which the sentence was imposed or in some sentence other than incarceration."

Page 4, lines 21-22. Strike the entire sentence beginning with the word "The" and ending with "standard."

Page 13, line 12, delete "and"

Page 13, line 17, delete the period and insert instead ";or"

Page 13, after line 17, add:

"the facts underlying the claim consist of credible newly discovered evidence which, had it presented to the trier of fact or sentencing authority at trial, would probably have resulted in an acquittal of the offense for which the death sentence was imposed."