

S 1739

A bill to amend the material witness statute to strengthen procedural safeguards, and for other purposes.

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Sep 21, 2005

Current Status: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S1029

Latest Action: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S10298-10299) (Sep 21, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/1739>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Sep 21, 2005

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Rewrites provisions of the federal criminal code regarding material witnesses.

Authorizes a judicial officer (officer) to: (1) order the arrest of a person as a material witness if it appears from an affidavit filed by a party in a federal criminal case, or by a government attorney in a matter before a federal grand jury, that there is probable cause to believe that the person's testimony is material and that the person has been served with a summons or subpoena (summons) and has failed or refused to appear; and (2) waive the summons requirement upon finding by clear and convincing evidence that service is likely to result in the person fleeing or that the person's appearance cannot adequately be secured.

Establishes warrant requirements, including that the witness be brought before a judicial officer without unnecessary delay and be informed of the right to counsel.

Requires an officer, at the initial appearance, to: (1) inform a witness of the warrant and right to counsel; (2) allow the witness a reasonable opportunity to consult with counsel; and (3) release or detain the witness (authorizes detention where release will not reasonably assure the witness's appearance, but only if the testimony cannot adequately be secured by deposition). Limits the detention period.

Requires: (1) a detention order to direct that a witness be held in a facility separate from persons charged with or convicted of a criminal offense, under the least restrictive conditions possible; and (2) the Attorney General to report annually to the House and Senate Judiciary Committees.

Actions Timeline

- **Sep 21, 2005:** Introduced in Senate
- **Sep 21, 2005:** Sponsor introductory remarks on measure. (CR S10296-10298)
- **Sep 21, 2005:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S10298-10299)