

106TH CONGRESS
2D SESSION

S. 2516

To fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2000

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

A BILL

To fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fugitive Apprehension
5 Act of 2000”.

6 **SEC. 2. FUGITIVE APPREHENSION TASK FORCES.**

7 (a) IN GENERAL.—The Director of the United States
8 Marshal Service shall establish permanent Fugitive Appre-

1 hension Task Forces in areas of the United States as de-
 2 termined by the Director to locate and apprehend fugi-
 3 tives.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated to the United States
 6 Marshal Service to carry out the provisions of this section
 7 \$32,100,000 for the fiscal year 2001, \$5,000,000 for fis-
 8 cal year 2002, and \$8,000,000 for fiscal year 2003.

9 **SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FU-**
 10 **GITIVES.**

11 (a) IN GENERAL.—Chapter 49 of title 18, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing:

14 **“§1075. Administrative subpoenas to apprehend fugi-**
 15 **tives**

16 “(a) In this section—

17 “(1) the term ‘fugitive’ means a person who—

18 “(A) having been indicted under Federal
 19 law or having been convicted of committing a
 20 felony under Federal law, flees or attempts to
 21 flee from or evades or attempts to evade the ju-
 22 risdiction of the court with jurisdiction over the
 23 felony;

24 “(B) having been indicted under State law
 25 or having been convicted of committing a felony

1 under State law, flees or attempts to flee from,
2 or evades or attempts to evade, the jurisdiction
3 of the court with jurisdiction over the felony;

4 “(C) escapes from lawful Federal or State
5 custody after having been indicted or having
6 been convicted of committing a felony under
7 Federal or State law; or

8 “(D) is in violation of subparagraph (2) or
9 (3) of the first undesignated paragraph of sec-
10 tion 1073;

11 “(2) the term ‘investigation’ means, with re-
12 spect to a State fugitive described in subparagraph
13 (B) or (C) of paragraph (1), an investigation in
14 which there is reason to believe that the fugitive fled
15 from or evaded, or attempted to flee from or evade,
16 the jurisdiction of the court, or escaped from cus-
17 tody, in or affecting, or using any facility of, inter-
18 state or foreign commerce, or as to whom an appro-
19 priate law enforcement officer or official of a State
20 or political subdivision has requested the Attorney
21 General to assist in the investigation, and the Attor-
22 ney General finds that the particular circumstances
23 of the request give rise to a Federal interest suffi-
24 cient for the exercise of Federal jurisdiction pursu-
25 ant to section 1075;

1 “(3) the term ‘State’ means a State of the
2 United States, the District of Columbia, and any
3 commonwealth, territory, or possession of the United
4 States; and

5 “(4) the term ‘relevant or material’ means there
6 are articulable facts that show the fugitive’s where-
7 abouts may be discerned from the records sought.

8 “(b) In any investigation with respect to the appre-
9 hension of a fugitive, the Attorney General may subpoena
10 witnesses for the purpose of the production of any records
11 (including books, papers, documents, electronic data, and
12 other tangible and intangible items that constitute or con-
13 tain evidence) that the Attorney General finds relevant or
14 material in the investigation. The attendance of witnesses
15 and the production of records may be required from any
16 place in any State or other place subject to the jurisdiction
17 of the United States at any designated place where the
18 witness was served with a subpoena, except that a witness
19 shall not be required to appear more than 500 miles dis-
20 tant from the place where the witness was served. Wit-
21 nesses summoned under this section shall be paid the
22 same fees and mileage that are paid witnesses in the
23 courts of the United States.

24 “(c) A subpoena issued under this section may be
25 served by any person designated in the subpoena to serve

1 it. Service upon a natural person may be made by personal
2 delivery of the subpoena to that person or by certified mail
3 with return receipt requested. Service may be made upon
4 a domestic or foreign corporation or upon a partnership
5 or other unincorporated association that is subject to suit
6 under a common name, by delivering the subpoena to an
7 officer, to a managing or general agent, or to any other
8 agent authorized by appointment or by law to receive serv-
9 ice of process. The affidavit of the person serving the sub-
10 poena entered on a true copy thereof by the person serving
11 it shall be proof of service.

12 “(d) In the case of the contumacy by or refusal to
13 obey a subpoena issued to any person, the Attorney Gen-
14 eral may invoke the aid of any court of the United States
15 within the jurisdiction of which the investigation is carried
16 on or of which the subpoenaed person is an inhabitant,
17 or in which he carries on business or may be found, to
18 compel compliance with the subpoena. The court may
19 issue an order requiring the subpoenaed person to appear
20 before the Attorney General to produce records if so or-
21 dered. Any failure to obey the order of the court may be
22 punishable by the court as contempt thereof. All process
23 in any such case may be served in any judicial district
24 in which the person may be found.

1 “(e) This section shall be construed and applied in
2 a manner consistent with section 2703 and with section
3 1102 of the Right to Financial Privacy Act of 1978 (12
4 U.S.C. 3402).

5 “(f) The United States Marshals Service shall report
6 to the Attorney General on a quarterly basis regarding
7 administrative subpoenas issued pursuant to this section.
8 The Attorney General shall transmit the report to Con-
9 gress.

10 “(g) The Attorney General shall issue guidelines gov-
11 erning the issuance of administrative subpoenas by the
12 United States Marshals Service. Such guidelines shall
13 mandate that administrative subpoenas shall issue only
14 after review and approval of the Director of the Marshals
15 Service or his designee in a position of Assistant Director
16 or higher.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The analysis for chapter 49 of title 18, United States
19 Code, is amended by adding at the end the following:

“1075. Administrative subpoenas to apprehend fugitives.”.

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