

stituted provisions authorizing the return of a new indictment in the appropriate jurisdiction within six calendar months of the date of the dismissal of the indictment or information, or, if no regular grand jury is in session when the indictment or information is dismissed, within six calendar months of the date when the next grand jury is convened, for provisions which authorized the return of a new indictment not later than the end of the next succeeding regular session of the court, following the session at which the indictment was found defective or insufficient, during which a grand jury shall be in session.

1963—Pub. L. 88-139 substituted “session” for “term” wherever appearing.

§ 3289. Indictments and information dismissed before period of limitations

Whenever an indictment or information charging a felony is dismissed for any reason before the period prescribed by the applicable statute of limitations has expired, and such period will expire within six calendar months of the date of the dismissal of the indictment or information, a new indictment may be returned in the appropriate jurisdiction within six calendar months of the expiration of the applicable statute of limitations, or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final, or, if no regular grand jury is in session in the appropriate jurisdiction at the expiration of the applicable statute of limitations, within six calendar months of the date when the next regular grand jury is convened, which new indictment shall not be barred by any statute of limitations. This section does not permit the filing of a new indictment or information where the reason for the dismissal was the failure to file the indictment or information within the period prescribed by the applicable statute of limitations, or some other reason that would bar a new prosecution.

(June 25, 1948, ch. 645, 62 Stat. 829; Pub. L. 88-139, § 2, Oct. 16, 1963, 77 Stat. 248; Pub. L. 88-520, § 2, Aug. 30, 1964, 78 Stat. 699; Pub. L. 100-690, title VII, § 7081(b), Nov. 18, 1988, 102 Stat. 4407; Pub. L. 101-647, title XII, § 1213, title XXV, § 2595(b), title XXXV, § 3580, Nov. 29, 1990, 104 Stat. 4833, 4907, 4929; Pub. L. 103-322, title XXXIII, § 330011(q)(2), Sept. 13, 1994, 108 Stat. 2145.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 556a, 588, 589 (Apr. 30, 1934, ch. 170, § 1, 48 Stat. 648; May 10, 1934, ch. 278, §§ 2, 3, 48 Stat. 772).

Consolidation of sections 556a, 588, and 589 of title 18, U.S.C., 1940 ed., without change of substance. The provisions of said section 556a, with reference to time of filing motion, were omitted and numerous changes of phraseology were necessary to effect consolidation, particularly in view of rules 6(b) and 12(b)(2), (3), (5) of the Federal Rules of Criminal Procedure.

Words “regular or special” were omitted and “regular” inserted after “succeeding” to harmonize with section 3288 of this title.

AMENDMENTS

1994—Pub. L. 103-322, § 330011(q)(2), repealed amendment by Pub. L. 101-647, § 1213. See 1990 Amendment note below.

1990—Pub. L. 101-647, § 3580, inserted a comma after “information” the second place it appeared.

Pub. L. 101-647, § 2595(b), struck out “or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final,” after

“the date of the dismissal of the indictment or information” and inserted such language after “within six calendar months of the expiration of the applicable statute of limitations.”

Pub. L. 101-647, § 1213, which directed the striking of “or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final,” and the insertion of such language after “within six months of the expiration of the statute of limitations,” was repealed by Pub. L. 103-322, § 330011(q)(2). See above.

1988—Pub. L. 100-690 in section catchline substituted “Indictments and information dismissed after period of limitations” for “Indictment where defect found before period of limitations”, and in text, substituted “Whenever an indictment or information charging a felony is dismissed for any reason” for “Whenever an indictment is dismissed for any error, defect, or irregularity with respect to the grand jury, or an indictment or information filed after the defendant waives in open court prosecution by indictment is found otherwise defective or insufficient for any cause,” inserted “or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final” after “dismissal of the indictment or information”, and inserted provisions which prohibited filing of new indictment or information where reason for dismissal was failure to file within period prescribed or some other reason that would bar a new prosecution.

1964—Pub. L. 88-520 substituted “Indictment” for “Reindictment” in section catchline, included indictments or informations filed after the defendant waives in open court prosecution by indictment which are dismissed for any error, defect, or irregularity, or are otherwise found defective or insufficient, and substituted provisions authorizing, where the period of the statute of limitations will expire within six calendar months of the date of the dismissal, the return of a new indictment within six calendar months of the expiration of the applicable statute of limitations, or, if no regular grand jury is in session at the expiration of the applicable statute of limitations, within six calendar months of the date when the next regular grand jury is convened, for provisions which authorized, where the period of the statute of limitations will expire before the end of the next regular session of the court to which such indictment was returned, the return of a new indictment not later than the end of the next succeeding regular session of the court following the session at which the indictment was found defective or insufficient, during which a grand jury shall be in session.

1963—Pub. L. 88-139 substituted “session” for “term” wherever appearing.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-322, title XXXIII, § 330011(q)(2), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of the date on which section 1213 of Pub. L. 101-647 took effect.

§ 3290. Fugitives from justice

No statute of limitations shall extend to any person fleeing from justice.

(June 25, 1948, ch. 645, 62 Stat. 829.)

HISTORICAL AND REVISION NOTES

Based on Title 18, U.S.C., 1940 ed., § 583 (R.S. § 1045).

Said section 583 was rephrased and made applicable to all statutes of limitation and is merely declaratory of the generally accepted rule of law.

§ 3291. Nationality, citizenship and passports

No person shall be prosecuted, tried, or punished for violation of any provision of sections 1423 to 1428, inclusive, of chapter 69 and sections 1541 to 1544, inclusive, of chapter 75 of title 18 of

the United States Code, or for conspiracy to violate any of such sections, unless the indictment is found or the information is instituted within ten years after the commission of the offense.

(Added June 30, 1951, ch. 194, §1, 65 Stat. 107; amended Pub. L. 103-322, title XXXIII, §330008(9), Sept. 13, 1994, 108 Stat. 2143.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “violate any of such sections” for “violate any of the afore-mentioned sections”.

§ 3292. Suspension of limitations to permit United States to obtain foreign evidence

(a)(1) Upon application of the United States, filed before return of an indictment, indicating that evidence of an offense is in a foreign country, the district court before which a grand jury is impaneled to investigate the offense shall suspend the running of the statute of limitations for the offense if the court finds by a preponderance of the evidence that an official request has been made for such evidence and that it reasonably appears, or reasonably appeared at the time the request was made, that such evidence is, or was, in such foreign country.

(2) The court shall rule upon such application not later than thirty days after the filing of the application.

(b) Except as provided in subsection (c) of this section, a period of suspension under this section shall begin on the date on which the official request is made and end on the date on which the foreign court or authority takes final action on the request.

(c) The total of all periods of suspension under this section with respect to an offense—

(1) shall not exceed three years; and

(2) shall not extend a period within which a criminal case must be initiated for more than six months if all foreign authorities take final action before such period would expire without regard to this section.

(d) As used in this section, the term “official request” means a letter rogatory, a request under a treaty or convention, or any other request for evidence made by a court of the United States or an authority of the United States having criminal law enforcement responsibility, to a court or other authority of a foreign country.

(Added Pub. L. 98-473, title II, §1218(a), Oct. 12, 1984, 98 Stat. 2167.)

EFFECTIVE DATE

Section effective 30 days after Oct. 12, 1984, see section 1220 of Pub. L. 98-473, set out as a note under section 3505 of this title.

§ 3293. Financial institution offenses

No person shall be prosecuted, tried, or punished for a violation of, or a conspiracy to violate—

(1) section 215, 656, 657, 1005, 1006, 1007, 1014, 1033, or 1344;

(2) section 1341 or 1343, if the offense affects a financial institution; or

(3) section 1963, to the extent that the racketeering activity involves a violation of section 1344;

unless the indictment is returned or the information is filed within 10 years after the commission of the offense.

(Added Pub. L. 101-73, title IX, §961(l)(1), Aug. 9, 1989, 103 Stat. 501; amended Pub. L. 101-647, title XXV, §2505(a), Nov. 29, 1990, 104 Stat. 4862; Pub. L. 103-322, title XXXII, §320604(b), title XXXIII, §330002(e), Sept. 13, 1994, 108 Stat. 2119, 2140.)

AMENDMENTS

1994—Par. (1). Pub. L. 103-322 struck out “1008,” after “1007,” and inserted “1033,” after “1014.”

1990—Par. (3). Pub. L. 101-647 added par. (3).

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-647, title XXV, §2505(b), Nov. 29, 1990, 104 Stat. 4862, provided that: “The amendments made by subsection (a) [amending this section] shall apply to any offense committed before the date of the enactment of this section [Nov. 29, 1990], if the statute of limitations applicable to that offense had not run as of such date.”

EFFECT OF THIS SECTION ON OFFENSES FOR WHICH PRIOR PERIOD OF LIMITATIONS HAD NOT RUN

Pub. L. 101-73, title IX, §961(l)(3), Aug. 9, 1989, 103 Stat. 501, provided that: “The amendments made by this subsection [enacting this section] shall apply to an offense committed before the effective date of this section [Aug. 9, 1989], if the statute of limitations applicable to that offense under this chapter had not run as of such date.”

§ 3294. Theft of major artwork

No person shall be prosecuted, tried, or punished for a violation of or conspiracy to violate section 668 unless the indictment is returned or the information is filed within 20 years after the commission of the offense.

(Added Pub. L. 103-322, title XXXII, §320902(b), Sept. 13, 1994, 108 Stat. 2124.)

§ 3295. Arson offenses

No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 unless the indictment is found or the information is instituted not later than 10 years after the date on which the offense was committed.

(Added Pub. L. 104-132, title VII, §708(c)(1), Apr. 24, 1996, 110 Stat. 1297.)

§ 3296. Counts dismissed pursuant to a plea agreement

(a) IN GENERAL.—Notwithstanding any other provision of this chapter, any counts of an indictment or information that are dismissed pursuant to a plea agreement shall be reinstated by the District Court if—

(1) the counts sought to be reinstated were originally filed within the applicable limitations period;

(2) the counts were dismissed pursuant to a plea agreement approved by the District Court under which the defendant pled guilty to other charges;

(3) the guilty plea was subsequently vacated on the motion of the defendant; and

(4) the United States moves to reinstate the dismissed counts within 60 days of the date on which the order vacating the plea becomes final.