

The 3-year-limitation provision was omitted as unnecessary in view of the general statute, section 3282 of this title.

The words “or a discharge denied” and “or denial of discharge” were added on the recommendation of the Department of Justice to supply an omission in existing law.

Other subsections of said section 52 of title 11, U.S.C., 1940 ed., are incorporated in sections 151–154 and 3057 of this title.

Other minor changes of phraseology were made.

AMENDMENTS

1978—Pub. L. 95–598 substituted “debtor in a case under title 11” for “bankrupt or other debtor”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95–598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95–598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 3285. Criminal contempt

No proceeding for criminal contempt within section 402 of this title shall be instituted against any person, corporation or association unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act.

(June 25, 1948, ch. 645, 62 Stat. 828.)

HISTORICAL AND REVISION NOTES

Based on section 390 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Oct. 15, 1914, ch. 323, § 25, 38 Stat. 740).

Word “criminal” was inserted before “contempt” in first line. Words “within section 402 of this title” were inserted after “contempt”.

The correct meaning and narrow application of title 28, U.S.C., 1940 ed., § 390, are preserved, as section 389 of that title is incorporated in sections 402 and 3691 of this title.

Words “corporation or association” were inserted after “person”, thus embodying applicable definition of section 390a of title 28, U.S.C., 1940 ed. (See reviser’s note under section 402 of this title.)

§ 3286. Extension of statute of limitation for certain terrorism offenses

(a) EIGHT-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B), or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

(b) NO LIMITATION.—Notwithstanding any other law, an indictment may be found or an in-

formation instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a foreseeable¹ risk of, death or serious bodily injury to another person.

(Added Pub. L. 103–322, title XII, §120001(a), Sept. 13, 1994, 108 Stat. 2021; amended Pub. L. 104–132, title VII, §702(c), Apr. 24, 1996, 110 Stat. 1294; Pub. L. 104–294, title VI, §601(b)(1), Oct. 11, 1996, 110 Stat. 3498; Pub. L. 107–56, title VIII, §809(a), Oct. 26, 2001, 115 Stat. 379; Pub. L. 107–273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808.)

PRIOR PROVISIONS

A prior section 3286, act June 25, 1948, ch. 645, 62 Stat. 828, related to seduction on vessel of United States, prior to repeal by Pub. L. 101–647, title XII, §1207(b), Nov. 29, 1990, 104 Stat. 4832.

AMENDMENTS

2002—Pub. L. 107–273 repealed Pub. L. 104–294, §601(b)(1). See 1996 Amendment note below.

2001—Pub. L. 107–56 reenacted section catchline without change and amended text generally. Text read as follows: “Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any non-capital offense involving a violation of section 32 (aircraft destruction), section 37 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2332a (use of weapons of mass destruction), 2332b (acts of terrorism transcending national boundaries), or section 2340A (torture) of this title or section 46502, 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.”

1996—Pub. L. 104–132, §702(c)(2)–(4), substituted “2332” for “2331”, “2332a” for “2339”, and “37” for “36”. Pub. L. 104–294, §601(b)(1), which amended section identically, was repealed by Pub. L. 107–273.

Pub. L. 104–132, §702(c)(1), (5), inserted “2332b (acts of terrorism transcending national boundaries),” after “(use of weapons of mass destruction),” and substituted “any non-capital offense” for “any offense”.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–56, title VIII, §809(b), Oct. 26, 2001, 115 Stat. 380, provided that: “The amendments made by this section [amending this section] shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section [Oct. 26, 2001].”

EFFECTIVE DATE

Pub. L. 103–322, title XII, §120001(b), Sept. 13, 1994, 108 Stat. 2021, provided that: “The amendment made by subsection (a) [enacting this section] shall not apply to any offense committed more than 5 years prior to the date of enactment of this Act [Sept. 13, 1994].”

§ 3287. Wartime suspension of limitations

When the United States is at war or Congress has enacted a specific authorization for the use

¹ So in original. Probably should be “foreseeable”.