

Sec.  
3322. Disclosure of certain matters occurring before grand jury.  
[3323 to 3328. Repealed.]

## AMENDMENTS

1989—Pub. L. 101-73, title IX, §964(b), Aug. 9, 1989, 103 Stat. 506, added item 3322 “Disclosure of certain matters occurring before grand jury” and struck out former items 3322 “Number; summoning—Rule”, 3323 “Objections and motions—Rule”, 3324 “Foreman and deputy; powers and duties; records—Rule”, 3325 “Persons present at proceedings—Rule”, 3326 “Secrecy of proceedings and disclosure—Rule”, 3327 “Indictment; finding and return—Rule”, and 3328 “Discharging jury and excusing juror—Rule”.

**§ 3321. Number of grand jurors; summoning additional jurors**

Every grand jury impaneled before any district court shall consist of not less than sixteen nor more than twenty-three persons. If less than sixteen of the persons summoned attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury. Whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose.

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

## HISTORICAL AND REVISION NOTES

Based on section 419 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Mar. 3, 1911, ch. 231, §282, 36 Stat. 1165).

The provisions of the first sentence are embodied in rule 6(a) of the Federal Rules of Criminal Procedure, but it has been retained because of its relation to the remainder of the text which is not covered by said rule.

**§ 3322. Disclosure of certain matters occurring before grand jury**

(a) A person who is privy to grand jury information—

- (1) received in the course of duty as an attorney for the government; or
- (2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the government for use in enforcing section 951 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 or for use in connection with any civil forfeiture provision of Federal law.

(b)(1) Upon motion of an attorney for the government, a court may direct disclosure of matters occurring before a grand jury during an investigation of a banking law violation to identified personnel of a Federal or State financial institution regulatory agency—

- (A) for use in relation to any matter within the jurisdiction of such regulatory agency; or
- (B) to assist an attorney for the government to whom matters have been disclosed under subsection (a).

(2) A court may issue an order under paragraph (1) at any time during or after the comple-

tion of the investigation of the grand jury, upon a finding of a substantial need.

(c) A person to whom matter has been disclosed under this section shall not use such matter other than for the purpose for which such disclosure was authorized.

(d) As used in this section—

(1) the term “banking law violation” means a violation of, or a conspiracy to violate—

(A) section 215, 656, 657, 1005, 1006, 1007, 1014, 1344, 1956, or 1957;

(B) section 1341 or 1343 affecting a financial institution; or

(C) any provision of subchapter II of chapter 53 of title 31, United States Code;

(2) the term “attorney for the government” has the meaning given such term in the Federal Rules of Criminal Procedure; and

(3) the term “grand jury information” means matters occurring before a grand jury other than the deliberations of the grand jury or the vote of any grand juror.

(Added Pub. L. 101-73, title IX, §964(a), Aug. 9, 1989, 103 Stat. 505; amended Pub. L. 106-102, title VII, §740, Nov. 12, 1999, 113 Stat. 1480; Pub. L. 106-185, §10, Apr. 25, 2000, 114 Stat. 217; Pub. L. 107-273, div. C, title I, §11002, Nov. 2, 2002, 116 Stat. 1816.)

## REFERENCES IN TEXT

Section 951 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, referred to in subsec. (a), is classified to section 1833a of Title 12, Banks and Banking.

The Federal Rules of Criminal Procedure, referred to in subsecs. (a)(2) and (d)(2), are set out in the Appendix to this title.

## PRIOR PROVISIONS

A prior section 3322, act June 25, 1948, ch. 645, 62 Stat. 829, related to the summoning of and number of grand jurors, prior to repeal by Pub. L. 101-73, §964(a). See Rule 6(a) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

## AMENDMENTS

2002—Subsec. (d)(1)(A). Pub. L. 107-273, §11002(1), substituted “1344, 1956, or 1957;” for “or 1344; or”.

Subsec. (d)(1)(C). Pub. L. 107-273, §11002(2), (3), added subpar. (C).

2000—Subsec. (a). Pub. L. 106-185 struck out “concerning a banking law violation” after “grand jury information” in introductory provisions and substituted “any civil forfeiture provision of Federal law” for “civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title” in concluding provisions.

1999—Subsec. (b)(1). Pub. L. 106-102, §740(1), inserted “Federal or State” before “financial institution” in introductory provisions.

Subsec. (b)(2). Pub. L. 106-102, §740(2), inserted “at any time during or after the completion of the investigation of the grand jury,” after “paragraph (1)”.

## EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

**[§§ 3323 to 3328. Repealed. Pub. L. 101-73, title IX, § 964(a), Aug. 9, 1989, 103 Stat. 505]**

Section 3323, act June 25, 1948, ch. 645, 62 Stat. 829, related to challenging the array of grand jurors or indi-

vidual grand jurors and motions to dismiss. See Rule 6(b) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3324, act June 25, 1948, ch. 645, 62 Stat. 829, related to the appointment of the grand jury foreman and deputy foreman, oaths, affirmations and indictments, and records of jurors concurring. See Rule 6(c) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3325, act June 25, 1948, ch. 645, 62 Stat. 829, related to persons who may be present while the grand jury is in session, and exclusion while the jury is deliberating or voting. See Rule 6(d) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3326, act June 25, 1948, ch. 645, 62 Stat. 829, related to disclosure of proceedings to government attorneys, disclosure by direction of the court or permission of the defendant, and secrecy of the indictment. See Rule 6(e) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3327, act June 25, 1948, ch. 645, 62 Stat. 830, related to concurrence of 12 or more jurors in the indictment and return of the indictment to the judge in open court. See Rule 6(f) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3328, act June 25, 1948, ch. 645, 62 Stat. 830, related to discharge of grand jury by court, limitation of service, and excusing jurors for cause. See Rule 6(g) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

#### CHAPTER 216—SPECIAL GRAND JURY

Sec.	
3331.	Summoning and term.
3332.	Powers and duties.
3333.	Reports.
3334.	General provisions.

##### AMENDMENTS

1970—Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 923, added chapter 216 and items 3331 to 3334.

##### NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

Pub. L. 91-452, title XII, §§1201-1211, Oct. 15, 1970, 84 Stat. 960, 961, established the National Commission on Individual Rights to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries authorized under chapter 216 of this title, dangerous special offender sentencing under section 3575 of this title, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action, and other practices which in its opinion might infringe upon the individual rights of the people of the United States. The Commission was required to make interim reports at least every two years and a final report to the President and Congress six years after Jan. 1, 1972, and was to cease to exist 60 days after submission of the final report.

#### § 3331. Summoning and term

(a) In addition to such other grand juries as shall be called from time to time, each district court which is located in a judicial district containing more than four million inhabitants or in which the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any designated Assistant Attorney General, certifies in writing to the chief judge of the district that in his judgment a special grand jury is necessary because of criminal activity in the district shall order a special grand jury to be summoned at least once in each period of eighteen months unless another special grand jury is then

serving. The grand jury shall serve for a term of eighteen months unless an order for its discharge is entered earlier by the court upon a determination of the grand jury by majority vote that its business has been completed. If, at the end of such term or any extension thereof, the district court determines the business of the grand jury has not been completed, the court may enter an order extending such term for an additional period of six months. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

(b) If a district court within any judicial circuit fails to extend the term of a special grand jury or enters an order for the discharge of such grand jury before such grand jury determines that it has completed its business, the grand jury, upon the affirmative vote of a majority of its members, may apply to the chief judge of the circuit for an order for the continuance of the term of the grand jury. Upon the making of such an application by the grand jury, the term thereof shall continue until the entry upon such application by the chief judge of the circuit of an appropriate order. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

(Added Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 923; amended Pub. L. 100-690, title VII, §7020(d), Nov. 18, 1988, 102 Stat. 4396.)

##### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-690 inserted “, the Associate Attorney General” after “Deputy Attorney General”.

#### § 3332. Powers and duties

(a) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.

(b) Whenever the district court determines that the volume of business of the special grand jury exceeds the capacity of the grand jury to discharge its obligations, the district court may order an additional special grand jury for that district to be impaneled.

(Added Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 924.)

##### REFERENCES IN TEXT

The criminal laws of the United States, referred to in subsec. (a), are classified generally to this title.

#### § 3333. Reports

(a) A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon completion of its