

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.

(b) DEFENSES; OBJECTIONS.—Nothing in this section shall preclude the District Court from considering any defense or objection, other than statute of limitations, to the prosecution of the counts reinstated under subsection (a).

(Added Pub. L. 107-273, div. B, title III, §3003(a), Nov. 2, 2002, 116 Stat. 1805.)

### § 3297. Cases involving DNA evidence

In a case in which DNA testing implicates an identified person in the commission of a felony, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.

(Added Pub. L. 108-405, title II, §204(a), Oct. 30, 2004, 118 Stat. 2271; amended Pub. L. 109-162, title X, §1005, Jan. 5, 2006, 119 Stat. 3086.)

#### AMENDMENTS

2006—Pub. L. 109-162 struck out “except for a felony offense under chapter 109A,” before “no statute of limitations”.

#### EFFECTIVE DATE

Pub. L. 108-405, title II, §204(c), Oct. 30, 2004, 118 Stat. 2271, provided that: “The amendments made by this section [enacting this section] shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section [Oct. 30, 2004] if the applicable limitation period has not yet expired.”

### § 3298. Trafficking-related offenses

No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents

in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.

(Added Pub. L. 109-162, title XI, §1182(a), Jan. 5, 2006, 119 Stat. 3126.)

#### REFERENCES IN TEXT

Section 274(a) of the Immigration and Nationality Act, referred to in text, is classified to section 1324(a) of Title 8, Aliens and Nationality.

### § 3299. Child abduction and sex offenses

Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110 (except for section<sup>1</sup> 2257 and 2257A), or 117, or section 1591.

(Added Pub. L. 109-248, title II, §211(1), July 27, 2006, 120 Stat. 616.)

### § 3300. Recruitment or use of child soldiers

No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.

(Added Pub. L. 110-340, §2(a)(2), Oct. 3, 2008, 122 Stat. 3736.)

### § 3301. Securities fraud offenses

(a) DEFINITION.—In this section, the term “securities fraud offense” means a violation of, or a conspiracy or an attempt to violate—

(1) section 1348;

(2) section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a));

(3) section 24 of the Securities Act of 1933 (15 U.S.C. 77x);

(4) section 217 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-17);

(5) section 49 of the Investment Company Act of 1940 (15 U.S.C. 80a-48); or

(6) section 325 of the Trust Indenture Act of 1939 (15 U.S.C. 77yyy).

(b) LIMITATION.—No person shall be prosecuted, tried, or punished for a securities fraud offense, unless the indictment is found or the information is instituted within 6 years after the commission of the offense.

(Added Pub. L. 111-203, title X, §1079A(b)(1), July 21, 2010, 124 Stat. 2079.)

#### EFFECTIVE DATE

Section effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as a note under section 5301 of Title 12, Banks and Banking.

## CHAPTER 215—GRAND JURY

Sec.

3321. Number of grand jurors; summoning additional jurors.

<sup>1</sup> So in original. Probably should be “sections”.

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-