

indictment where defect found after period of limitations” in item 3288 and “Indictments and information dismissed before period of limitations” for “Reindictment where defect found before period of limitations” in item 3289.

1984—Pub. L. 98-473, title II, §1218(b), Oct. 12, 1984, 98 Stat. 2167, added item 3292.

1951—Act June 30, 1951, ch. 194, §2, 65 Stat. 107, added item 3291.

§ 3281. Capital offenses

An indictment for any offense punishable by death may be found at any time without limitation.

(June 25, 1948, ch. 645, 62 Stat. 827; Pub. L. 103-322, title XXXIII, §330004(16), Sept. 13, 1994, 108 Stat. 2142.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§581a, 581b (Aug. 4, 1939, ch. 419, §§1, 2, 53 Stat. 1198).

Sections 581a and 581b of title 18, U.S.C., 1940 ed., were consolidated into this section without change of substance.

AMENDMENTS

1994—Pub. L. 103-322 struck out before period at end “except for offenses barred by the provisions of law existing on August 4, 1939”.

§ 3282. Offenses not capital

(a) IN GENERAL.—Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

(b) DNA PROFILE INDICTMENT.—

(1) IN GENERAL.—In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

(2) EXCEPTION.—Any indictment described under paragraph (1), which is found not later than 5 years after the offense under chapter 109A is committed, shall not be subject to—

(A) the limitations period described under subsection (a); and

(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

(3) DEFINED TERM.—For purposes of this subsection, the term “DNA profile” means a set of DNA identification characteristics.

(June 25, 1948, ch. 645, 62 Stat. 828; Sept. 1, 1954, ch. 1214, §12(a), formerly §10(a), 68 Stat. 1145; renumbered Pub. L. 87-299, §1, Sept. 26, 1961, 75 Stat. 648; Pub. L. 108-21, title VI, §610(a), Apr. 30, 2003, 117 Stat. 692.)

HISTORICAL AND REVISION NOTES

Based on section 746(g) of title 8, U.S.C., 1940 ed., Aliens and Nationality, and on title 18, U.S.C., 1940 ed., §582 (R.S. §1044; Apr. 13, 1876, ch. 56, 19 Stat. 32; Nov. 17, 1921, ch. 124, §1, 42 Stat. 220; Dec. 27, 1927, ch. 6, 45 Stat. 51; Oct. 14, 1940, ch. 876, title I, subchap. III, §346(g), 54 Stat. 1167).

Section 582 of title 18, U.S.C., 1940 ed., and section 746(g) of title 8, U.S.C., 1940 ed., Aliens and Nationality,

were consolidated. “Except as otherwise expressly provided by law” was inserted to avoid enumeration of exceptive provisions.

The proviso contained in the act of 1927 “That nothing herein contained shall apply to any offense for which an indictment has been heretofore found or an information instituted, or to any proceedings under any such indictment or information,” was omitted as no longer necessary.

In the consolidation of these sections the 5-year period of limitation for violations of the Nationality Code, provided for in said section 746(g) of title 8, U.S.C., 1940 ed., Aliens and Nationality, is reduced to 3 years. There seemed no sound basis for considering 3 years adequate in the case of heinous felonies and gross frauds against the United States but inadequate for misuse of a passport or false statement to a naturalization examiner.

AMENDMENTS

2003—Pub. L. 108-21 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1954—Act Sept. 1, 1954, changed the limitation period from three years to five years.

EFFECTIVE DATE OF 1954 AMENDMENT

Act Sept. 1, 1954, ch. 1214, §12(b), formerly section 10(b), 68 Stat. 1145, as renumbered by Pub. L. 87-299, §1, Sept. 26, 1961, 75 Stat. 648, provided that: “The amendment made by subsection (a) [amending this section] shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.”

FUGITIVES FROM JUSTICE

Statutes of limitations as not extending to persons fleeing from justice, see section 3290 of this title.

OFFENSES AGAINST INTERNAL SECURITY

Limitation period in connection with offenses against internal security, see section 783 of Title 50, War and National Defense.

SECTIONS 792, 793, AND 794 OF THIS TITLE; LIMITATION PERIOD

Limitation period in connection with sections 792, 793, and 794 of this title, see note set out under section 792.

§ 3283. Offenses against children

No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse, or kidnaping, of a child under the age of 18 years shall preclude such prosecution during the life of the child, or for ten years after the offense, whichever is longer.

(June 25, 1948, ch. 645, 62 Stat. 828; Pub. L. 103-322, title XXXIII, §330018(a), Sept. 13, 1994, 108 Stat. 2149; Pub. L. 108-21, title II, §202, Apr. 30, 2003, 117 Stat. 660; Pub. L. 109-162, title XI, §1182(c), Jan. 5, 2006, 119 Stat. 3126.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §584 (R.S. §1046; July 5, 1884, ch. 225, §2, 23 Stat. 122).

Words “customs laws” were substituted for “revenue laws,” since different limitations are provided for internal revenue violations by section 3748 of title 26, U.S.C., 1940 ed., Internal Revenue Code.

This section was held to apply to offenses under the customs laws. Those offenses are within the term “revenue laws” but not within the term “internal revenue laws”. *United States v. Hirsch* (1879, 100 U.S. 33, 25 L. Ed. 539), *United States v. Shorey* (1869, Fed. Cas. No. 16,282),