

CHAPTER 223—WITNESSES AND EVIDENCE

- Sec.
 3481. Competency of accused.
 3482. Evidence and witnesses—Rule.
 3483. Indigent defendants, process to produce evidence—Rule.
 3484. Subpoenas—Rule.
 3485. Expert witnesses—Rule.
 3486. Administrative subpoenas.
 [3486A. Repealed.]
 3487. Refusal to pay as evidence of embezzlement.
 3488. Intoxicating liquor in Indian country as evidence of unlawful introduction.
 3489. Discovery and inspection—Rule.
 3490. Official record or entry—Rule.
 3491. Foreign documents.
 3492. Commission to consular officers to authenticate foreign documents.
 3493. Deposition to authenticate foreign documents.
 3494. Certification of genuineness of foreign document.
 3495. Fees and expenses of consuls, counsel, interpreters and witnesses.
 3496. Regulations by President as to commissions, fees of witnesses, counsel and interpreters.
 3497. Account as evidence of embezzlement.
 3498. Depositions—Rule.
 3499. Contempt of court by witness—Rule.
 3500. Demands for production of statements and reports of witnesses.
 3501. Admissibility of confessions.
 3502. Admissibility in evidence of eye witness testimony.
 [3503. Repealed.]
 3504. Litigation concerning sources of evidence.
 3505. Foreign records of regularly conducted activity.
 3506. Service of papers filed in opposition to official request by United States to foreign government for criminal evidence.
 3507. Special master at foreign deposition.
 3508. Custody and return of foreign witnesses.
 3509. Child victims' and child witnesses' rights.
 3510. Rights of victims to attend and observe trial.
 3511. Judicial review of requests for information.
 3512. Foreign requests for assistance in criminal investigations and prosecutions.

AMENDMENTS

- 2009—Pub. L. 111-79, §2(5), Oct. 19, 2009, 123 Stat. 2089, added item 3512.
 2006—Pub. L. 109-177, title I, §115(1), Mar. 9, 2006, 120 Stat. 211, added item 3511.
 2002—Pub. L. 107-273, div. B, title IV, §4002(c)(3)(B), Nov. 2, 2002, 116 Stat. 1809, struck out item 3503 “Depositions to preserve testimony”.
 2000—Pub. L. 106-544, §5(b)(2), (3), Dec. 19, 2000, 114 Stat. 2718, struck out “in Federal health care investigations” after “subpoenas” in item 3486 and struck out item 3486A “Administrative subpoenas in cases involving child abuse and child sexual exploitation”.
 1998—Pub. L. 105-314, title VI, §606(b), Oct. 30, 1998, 112 Stat. 2985, added items 3486 and 3486A and struck out former item 3486 “Authorized investigative demand procedures”.
 1997—Pub. L. 105-6, §2(b), Mar. 19, 1997, 111 Stat. 12, added item 3510.
 1996—Pub. L. 104-294, title VI, §604(a)(4), Oct. 11, 1996, 110 Stat. 3506, substituted “‘victims’” for “‘Victims’” in item 3509.
 Pub. L. 104-191, title II, §248(b), Aug. 21, 1996, 110 Stat. 2019, added item 3486.
 1994—Pub. L. 103-322, title XXXIII, §330002(j), Sept. 13, 1994, 108 Stat. 2140, added item 3509.
 1988—Pub. L. 100-690, title VI, §6484(b), Nov. 18, 1988, 102 Stat. 4384, added item 3508.
 1984—Pub. L. 98-473, title II, §1217(b), Oct. 12, 1984, 98 Stat. 2166, added items 3505, 3506, and 3507.

- 1970—Pub. L. 91-452, title II, §228(b), title VI, §601(b), title VII, §702(b), Oct. 15, 1970, 84 Stat. 930, 935, 936, added items 3503 and 3504, and struck out item 3486 “Compelled testimony tending to incriminate witnesses; immunity”.
 1968—Pub. L. 90-351, title II, §701(b), June 19, 1968, 82 Stat. 211, added items 3501 and 3502.
 1957—Pub. L. 85-269, Sept. 2, 1957, 71 Stat. 596, added item 3500.
 1954—Act Aug. 20, 1954, ch. 769, §2, 68 Stat. 746, re-phrased item 3486.

PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

- Pub. L. 91-452, title V, §§501-504, Oct. 15, 1970, 84 Stat. 933, which authorized the Attorney General to provide for the security of Government witnesses and the families of Government witnesses in legal proceedings against any person alleged to have participated in an organized criminal activity, was repealed by Pub. L. 98-473, title II, §1209(b), Oct. 12, 1984, 98 Stat. 2163, effective Oct. 1, 1984.

§ 3481. Competency of accused

In trial of all persons charged with the commission of offenses against the United States and in all proceedings in courts martial and courts of inquiry in any State, District, Possession or Territory, the person charged shall, at his own request, be a competent witness. His failure to make such request shall not create any presumption against him.

(June 25, 1948, ch. 645, 62 Stat. 833.)

HISTORICAL AND REVISION NOTES

Based on section 632 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary, and section 1200, Art. 42(a), of Title 34, Navy. (Mar. 16, 1878, ch. 37, 20 Stat. 30).
 Section was rewritten without change of substance.

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-6, §1, Mar. 19, 1997, 111 Stat. 12, provided that: “This Act [enacting section 3510 of this title, amending section 3593 of this title, and enacting provisions set out as a note under section 3510 of this title] may be cited as the ‘Victim Rights Clarification Act of 1997.’”

§ 3482. Evidence and witnesses—(Rule)**SEE FEDERAL RULES OF CRIMINAL PROCEDURE**

Competency and privileges of witnesses and admissibility of evidence governed by principles of common law, Rule 26.

(June 25, 1948, ch. 645, 62 Stat. 833.)

REFERENCES IN TEXT

Rule 26 of the Federal Rules of Criminal Procedure, referred to in text, was amended in 1972. The subject matter is covered by the Federal Rules of Evidence, set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

§ 3483. Indigent defendants, process to produce evidence—(Rule)**SEE FEDERAL RULES OF CRIMINAL PROCEDURE**

Subpoena for indigent defendants, motion, affidavit, costs, Rule 17(b).

(June 25, 1948, ch. 645, 62 Stat. 833.)

§ 3484. Subpoenas—(Rule)**SEE FEDERAL RULES OF CRIMINAL PROCEDURE**

Form, contents and issuance of subpoena, Rule 17(a).