

the district court (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) to which the authorization applies shall review the extension of authority not less frequently than once every 90 days until the earlier of—

“(i) the date on which the chief judge (or other judge or justice) determines the authorization is no longer warranted; or

“(ii) the date on which the emergency authority is terminated under paragraph (5).

“(4) CONSENT.—Video teleconferencing or telephone conferencing authorized under paragraph (1) or (2) may only take place with the consent of the defendant, or the juvenile, after consultation with counsel.

“(5) TERMINATION OF EMERGENCY AUTHORITY.—The authority provided under paragraphs (1), (2), and (3), and any specific authorizations issued under those paragraphs, shall terminate on the earlier of—

“(A) the last day of the covered emergency period; or

“(B) the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) no longer materially affect the functioning of either the Federal courts generally or the district court in question.

“(6) NATIONAL EMERGENCIES GENERALLY.—The Judicial Conference of the United States and the Supreme Court of the United States shall consider rule amendments under chapter 131 of title 28, United States Code (commonly known as the ‘Rules Enabling Act’), that address emergency measures that may be taken by the Federal courts when the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.).

“(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall obviate a defendant’s right to counsel under the Sixth Amendment to the Constitution of the United States, any Federal statute, or the Federal Rules of Criminal Procedure.

“(c) The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)(2)(A)(i)].”

LAW ENFORCEMENT ASSISTANCE ACT OF 1965

Note regarding Pub. L. 89-197, §§1-11, Sept. 22, 1965, 79 Stat. 828, which was amended and subsequently repealed, has been editorially reclassified in a note preceding section 10101 of Title 34, Crime Control and Law Enforcement.

Executive Documents

COORDINATION OF FEDERAL LAW ENFORCEMENT AND CRIME PREVENTION PROGRAMS

Designation of Attorney General to coordinate Federal law enforcement and crime prevention programs, see Ex. Ord. No. 11396, Feb. 7, 1968, 33 F.R. 2689, set out as a note preceding section 10101 of Title 34, Crime Control and Law Enforcement.

§ 3001. Procedure governed by rules; scope, purpose and effect; definition of terms; local rules; forms—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Scope, rule 1.

Purpose and construction, rule 2.

Proceedings to which rules apply, rules 54 and 59.

Definition, rule 54(c).

Rules of District Courts and Circuit Courts of Appeal, rule 57.

Forms, rule 58.

Effective date, rule 59.

Citation of rule, rule 60.

(June 25, 1948, ch. 645, 62 Stat. 814.)

§ 3002. Courts always open—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Business hours, rule 56.

(June 25, 1948, ch. 645, 62 Stat. 814.)

§ 3003. Calendars—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Preference to criminal cases, rule 50.

(June 25, 1948, ch. 645, 62 Stat. 814.)

§ 3004. Decorum in court room—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Photographing or radio broadcasting prohibited, rule 53.

(June 25, 1948, ch. 645, 62 Stat. 814.)

§ 3005. Counsel and witnesses in capital cases

Whoever is indicted for treason or other capital crime shall be allowed to make his full defense by counsel; and the court before which the defendant is to be tried, or a judge thereof, shall promptly, upon the defendant’s request, assign 2 such counsel, of whom at least 1 shall be learned in the law applicable to capital cases, and who shall have free access to the accused at all reasonable hours. In assigning counsel under this section, the court shall consider the recommendation of the Federal Public Defender organization, or, if no such organization exists in the district, of the Administrative Office of the United States Courts. The defendant shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution.

(June 25, 1948, ch. 645, 62 Stat. 814; Pub. L. 103-322, title VI, §60026, Sept. 13, 1994, 108 Stat. 1982.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §563 (R.S. §1034). Changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “; and the court before which the defendant is to be tried, or a judge thereof, shall promptly, upon the defendant’s request, assign 2 such counsel, of whom at least 1 shall be learned in the law applicable to capital cases, and who shall have free access to the accused at all reasonable hours. In assigning counsel under this section, the court shall consider the recommendation of the Federal Public Defender organization, or, if no such organization exists in the district, of the Administrative Office of the United States Courts. The defendant shall” for “learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall”.