

of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final” after “dismissal of the indictment or information”, and inserted provisions which prohibited filing of new indictment or information where reason for dismissal was failure to file within period prescribed or some other reason that would bar a new prosecution.

1964—Pub. L. 88-520 substituted “Indictment” for “Reindictment” in section catchline, included indictments or informations filed after the defendant waives in open court prosecution by indictment which are dismissed for any error, defect, or irregularity, or are otherwise found defective or insufficient, and substituted provisions authorizing the return of a new indictment in the appropriate jurisdiction within six calendar months of the date of the dismissal of the indictment or information, or, if no regular grand jury is in session when the indictment or information is dismissed, within six calendar months of the date when the next grand jury is convened, for provisions which authorized the return of a new indictment not later than the end of the next succeeding regular session of the court, following the session at which the indictment was found defective or insufficient, during which a grand jury shall be in session.

1963—Pub. L. 88-139 substituted “session” for “term” wherever appearing.

§ 3289. Indictments and information dismissed before period of limitations

Whenever an indictment or information charging a felony is dismissed for any reason before the period prescribed by the applicable statute of limitations has expired, and such period will expire within six calendar months of the date of the dismissal of the indictment or information, a new indictment may be returned in the appropriate jurisdiction within six calendar months of the expiration of the applicable statute of limitations, or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final, or, if no regular grand jury is in session in the appropriate jurisdiction at the expiration of the applicable statute of limitations, within six calendar months of the date when the next regular grand jury is convened, which new indictment shall not be barred by any statute of limitations. This section does not permit the filing of a new indictment or information where the reason for the dismissal was the failure to file the indictment or information within the period prescribed by the applicable statute of limitations, or some other reason that would bar a new prosecution.

(June 25, 1948, ch. 645, 62 Stat. 829; Pub. L. 88-139, §2, Oct. 16, 1963, 77 Stat. 248; Pub. L. 88-520, §2, Aug. 30, 1964, 78 Stat. 699; Pub. L. 100-690, title VII, §7081(b), Nov. 18, 1988, 102 Stat. 4407; Pub. L. 101-647, title XII, §1213, title XXV, §2595(b), title XXXV, §3580, Nov. 29, 1990, 104 Stat. 4833, 4907, 4929; Pub. L. 103-322, title XXXIII, §330011(q)(2), Sept. 13, 1994, 108 Stat. 2145.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§556a, 588, 589 (Apr. 30, 1934, ch. 170, §1, 48 Stat. 648; May 10, 1934, ch. 278, §2, 3, 48 Stat. 772).

Consolidation of sections 556a, 588, and 589 of title 18, U.S.C., 1940 ed., without change of substance. The provisions of said section 556a, with reference to time of filing motion, were omitted and numerous changes of phraseology were necessary to effect consolidation, particularly in view of rules 6(b) and 12(b)(2), (3), (5) of the Federal Rules of Criminal Procedure.

Words “regular or special” were omitted and “regular” inserted after “succeeding” to harmonize with section 3288 of this title.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, §330011(q)(2), repealed amendment by Pub. L. 101-647, §1213. See 1990 Amendment note below.

1990—Pub. L. 101-647, §3580, inserted a comma after “information” the second place it appeared.

Pub. L. 101-647, §2595(b), struck out “or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final,” after “the date of the dismissal of the indictment or information” and inserted such language after “within six calendar months of the expiration of the applicable statute of limitations.”

Pub. L. 101-647, §1213, which directed the striking of “or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final,” and the insertion of such language after “within six months of the expiration of the statute of limitations.”, was repealed by Pub. L. 103-322, §330011(q)(2). See above.

1988—Pub. L. 100-690 in section catchline substituted “Indictments and information dismissed after period of limitations” for “Indictment where defect found before period of limitations”, and in text, substituted “Whenever an indictment or information charging a felony is dismissed for any reason” for “Whenever an indictment is dismissed for any error, defect, or irregularity with respect to the grand jury, or an indictment or information filed after the defendant waives in open court prosecution by indictment is found otherwise defective or insufficient for any cause,”, inserted “or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final” after “dismissal of the indictment or information”, and inserted provisions which prohibited filing of new indictment or information where reason for dismissal was failure to file within period prescribed or some other reason that would bar a new prosecution.

1964—Pub. L. 88-520 substituted “Indictment” for “Reindictment” in section catchline, included indictments or informations filed after the defendant waives in open court prosecution by indictment which are dismissed for any error, defect, or irregularity, or are otherwise found defective or insufficient, and substituted provisions authorizing, where the period of the statute of limitations will expire within six calendar months of the date of the dismissal, the return of a new indictment within six calendar months of the expiration of the applicable statute of limitations, or, if no regular grand jury is in session at the expiration of the applicable statute of limitations, within six calendar months of the date when the next regular grand jury is convened, for provisions which authorized, where the period of the statute of limitations will expire before the end of the next regular session of the court to which such indictment was returned, the return of a new indictment not later than the end of the next succeeding regular session of the court following the session at which the indictment was found defective or insufficient, during which a grand jury shall be in session.

1963—Pub. L. 88-139 substituted “session” for “term” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-322, title XXXIII, §330011(q)(2), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of the date on which section 1213 of Pub. L. 101-647 took effect.

§ 3290. Fugitives from justice

No statute of limitations shall extend to any person fleeing from justice.