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Editorial Notes

AMENDMENTS

2016—Pub. L. 114-316, §2(b)(1), Dec. 16, 2016, 130 Stat. 1593, struck out “trafficking in persons” before “offenses” in item for chapter 212A.
 Pub. L. 114-236, §2(b), Oct. 7, 2016, 130 Stat. 967, added item for chapter 238.
 2006—Pub. L. 109-164, title I, §103(a)(2), Jan. 10, 2006, 119 Stat. 3563, added item for chapter 212A.
 2004—Pub. L. 108-405, title I, §102(b), title IV, §411(a)(2), Oct. 30, 2004, 118 Stat. 2264, 2284, added items for chapters 228A and 237.
 2000—Pub. L. 106-523, §2(b), Nov. 22, 2000, 114 Stat. 2492, added item for chapter 212.
 1994—Pub. L. 103-359, title VIII, §803(c)(1), Oct. 14, 1994, 108 Stat. 3439, substituted “terrorist acts and espionage” for “terrorists acts” in item for chapter 204.
 Pub. L. 103-322, title VI, §60002(b), Sept. 13, 1994, 108 Stat. 1968, added item for chapter 228.
 1988—Pub. L. 100-702, title IV, §404(a)(1), Nov. 19, 1988, 102 Stat. 4651, struck out item 237 “Rules of criminal procedure”.
 1986—Pub. L. 99-646, §41(d), Nov. 10, 1986, 100 Stat. 3600, struck out item for chapter 232 “Special forfeiture of collateral profits of crime” and added item for chapter 232A.
 Pub. L. 99-508, title III, §301(b), Oct. 21, 1986, 100 Stat. 1872, added item for chapter 206.
 1984—Pub. L. 98-533, title I, §101(b), Oct. 19, 1984, 98 Stat. 2708, added item for chapter 204.
 Pub. L. 98-473, title II, §§203(d), 212(b), 1209(a), 1406(b), Oct. 12, 1984, 98 Stat. 1985, 2011, 2163, 2176, inserted “and detention pending judicial proceedings” in item for chapter 207, added items for chapters 224, 227, 229, 231, and 232, and struck out items for former chapters 227 “Sentence, judgment, and execution”, 229 “Fines, penalties and forfeitures” and 231 “Probation”.
 1975—Pub. L. 93-619, title I, §102, Jan. 3, 1975, 88 Stat. 2086, added item for chapter 208.
 1970—Pub. L. 91-452, title I, §101(b), Oct. 15, 1970, 84 Stat. 926, added item for chapter 216.

²So in original. Does not conform to chapter heading and first word only of item should be capitalized.

1968—Pub. L. 90-578, title III, §301(c), Oct. 17, 1968, 82 Stat. 1115, substituted “Trial by United States magistrates” for “Trial by commissioners” in item for chapter 219.
 1966—Pub. L. 89-465, §5(e)(2), June 22, 1966, 80 Stat. 217, substituted “Release” for “Bail” in item for chapter 207.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in item for chapter 219 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 201—GENERAL PROVISIONS

Sec.

- 3001. Procedure governed by rules; scope, purpose and effect; definition of terms; local rules; forms—Rule.
- 3002. Courts always open—Rule.
- 3003. Calendars—Rule.
- 3004. Decorum in court room—Rule.
- 3005. Counsel and witnesses in capital cases.
- 3006. Assignment of counsel—Rule.
- 3006A. Adequate representation of defendants.
- 3007. Motions—Rule.
- 3008. Service and filing of papers—Rule.
- 3009. Records—Rule.
- 3010. Exceptions unnecessary—Rule.
- 3011. Computation of time—Rule.
- 3012. Repealed.
- 3013. Special assessment on convicted persons.
- 3014. Additional special assessment.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-22, title I, §101(b), May 29, 2015, 129 Stat. 230, added item 3014.
 1984—Pub. L. 98-473, title II, §§218(c), 1405(b), Oct. 12, 1984, 98 Stat. 2027, 2175, added item 3013 and substituted “Repealed” for “Orders respecting persons in custody” in item 3012.
 1964—Pub. L. 88-455, §4, Aug. 20, 1964, 78 Stat. 554, added item 3006A.

Statutory Notes and Related Subsidiaries

VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

Pub. L. 116-136, div. B, title V, §15002, Mar. 27, 2020, 134 Stat. 527, provided that:

“(a) DEFINITION.—In this section, the term ‘covered emergency period’ means the period beginning on the date on which the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) [declaration issued Mar. 13, 2020, beginning Mar. 1, 2020, see 85 F.R. 15337] and ending on the date that is 30 days after the date on which the national emergency declaration terminates.

“(b) VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS.—

“(1) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if 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) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (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), upon applica-

tion of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, may authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the following events:

“(A) Detention hearings under section 3142 of title 18, United States Code.

“(B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure [18 U.S.C. App.].

“(C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.

“(D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.

“(E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.

“(F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.

“(G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code.

“(H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.

“(I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.

“(J) Proceedings under chapter 403 of title 18, United States Code (commonly known as the ‘Federal Juvenile Delinquency Act’), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

“(2) FELONY PLEAS AND SENTENCING.—

“(A) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if 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) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (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) specifically finds, upon application of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety, and the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the plea or sentencing in that case may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available.

“(B) APPLICABILITY TO JUVENILES.—The video teleconferencing and telephone conferencing authority described in subparagraph (A) shall apply with respect to equivalent plea and sentencing, or disposition, proceedings under chapter 403 of title 18, United States Code (commonly known as the ‘Federal Juvenile Delinquency Act’).

“(3) REVIEW.—

“(A) IN GENERAL.—On the date that is 90 days after the date on which an authorization for the use of video teleconferencing or telephone conferencing under paragraph (1) or (2) is issued, if the emergency authority has not been terminated under paragraph (5), the chief judge of 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 authorization and determine whether to extend the authorization.

“(B) ADDITIONAL REVIEW.—If an authorization is extended under subparagraph (A), the chief judge of

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.