

UNITED STATES CODE ANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE
PART II--CRIMINAL PROCEDURE
CHAPTER 213--LIMITATIONS

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Current through P.L. 107-48, approved 10-12-01

§ 3282. Offenses not capital

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.

CREDIT(S)

2000 Main Volume

(June 25, 1948, c. 645, 62 Stat. 828; Sept. 1, 1954, c. 1214 § 12(a), formerly § 10(a), 68 Stat. 1145, renumbered Sept. 26, 1961, Pub.L. 87-299. § 1, 75 Stat. 648.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1948 Acts. 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, c. 56, 19 Stat. 32; Nov. 17, 1921, c. 124 § 1, 42 Stat. 220; Dec. 27, 1927, c. 6, 45 Stat. 51; Oct. 14, 1940, c. 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.

1954 Acts. House Report No. 2488, see 1954 U.S. Code Cong. and Adm. News, p. 3907.

1961 Acts. Senate Report No. 862, see 1961 U.S. Code Cong. and Adm. News, p. 2928.

Amendments

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

Effective and Applicability Provisions

1954 Acts. Section 12(b) of Act Sept. 1, 1954, formerly section 10(b), as renumbered by Pub.L. 87-299 1, 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."

18 U.S.C.A. § 3282

18 USCA § 3282

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Current through P.L. 107-48, approved 10-12-01

§ 3292. Suspension of limitations to permit United States to obtain foreign evidence

(a)(1) Upon application of the United States, filed before return of an indictment, indicating that evidence of an offense is in a foreign country, the district court before which a grand jury is impaneled to investigate the offense shall suspend the running of the statute of limitations for the offense if the court finds by a preponderance of the evidence that an official request has been made for such evidence and that it reasonably appears, or reasonably appeared at the time the request was made, that such evidence is, or was, in such foreign country.

(2) The court shall rule upon such application not later than thirty days after the filing of the application.

(b) Except as provided in subsection (c) of this section, a period of suspension under this section shall begin on the date on which the official request is made and end on the date on which the foreign court or authority takes final action on the request.

(c) The total of all periods of suspension under this section with respect to an offense--

(1) shall not exceed three years; and

(2) shall not extend a period within which a criminal case must be initiated for more than six months if all foreign authorities take final action before such period would expire without regard to this section.

(d) As used in this section, the term "official request" means a letter rogatory, a request under a treaty or convention, or any other request for evidence made by a court of the United States or an authority of the United States having criminal law enforcement responsibility, to a court or other authority of a foreign country.

CREDIT(S)

2000 Main Volume

(Added Pub.L. 98-473, Title II, § 1218(a), Oct. 12, 1984, 98 Stat. 2167.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1984 Acts. House Report No. 98-1030 and House Conference Report No. 98-1159, see 1984 U.S. Code Cong. and Adm. News, p. 3182.

Effective and Applicability Provisions

1984 Acts. Section effective 30 days after Oct. 12, 1984, see section 1220 of Pub.L. 98-473 set out as a note under section 3505 of this title.

18 USCA S 3292

Page 5

18 U.S.C.A. § 3292

18 USCA § 3292

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