

tion of the investigation of the grand jury, upon a finding of a substantial need.

(c) A person to whom matter has been disclosed under this section shall not use such matter other than for the purpose for which such disclosure was authorized.

(d) As used in this section—

(1) the term “banking law violation” means a violation of, or a conspiracy to violate—

(A) section 215, 656, 657, 1005, 1006, 1007, 1014, 1344, 1956, or 1957;

(B) section 1341 or 1343 affecting a financial institution; or

(C) any provision of subchapter II of chapter 53 of title 31, United States Code;

(2) the term “attorney for the government” has the meaning given such term in the Federal Rules of Criminal Procedure; and

(3) the term “grand jury information” means matters occurring before a grand jury other than the deliberations of the grand jury or the vote of any grand juror.

(Added Pub. L. 101-73, title IX, §964(a), Aug. 9, 1989, 103 Stat. 505; amended Pub. L. 106-102, title VII, §740, Nov. 12, 1999, 113 Stat. 1480; Pub. L. 106-185, §10, Apr. 25, 2000, 114 Stat. 217; Pub. L. 107-273, div. C, title I, §11002, Nov. 2, 2002, 116 Stat. 1816.)

REFERENCES IN TEXT

Section 951 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, referred to in subsec. (a), is classified to section 1833a of Title 12, Banks and Banking.

The Federal Rules of Criminal Procedure, referred to in subsecs. (a)(2) and (d)(2), are set out in the Appendix to this title.

PRIOR PROVISIONS

A prior section 3322, act June 25, 1948, ch. 645, 62 Stat. 829, related to the summoning of and number of grand jurors, prior to repeal by Pub. L. 101-73, §964(a). See Rule 6(a) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

AMENDMENTS

2002—Subsec. (d)(1)(A). Pub. L. 107-273, §11002(1), substituted “1344, 1956, or 1957;” for “or 1344; or”.

Subsec. (d)(1)(C). Pub. L. 107-273, §11002(2), (3), added subpar. (C).

2000—Subsec. (a). Pub. L. 106-185 struck out “concerning a banking law violation” after “grand jury information” in introductory provisions and substituted “any civil forfeiture provision of Federal law” for “civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title” in concluding provisions.

1999—Subsec. (b)(1). Pub. L. 106-102, §740(1), inserted “Federal or State” before “financial institution” in introductory provisions.

Subsec. (b)(2). Pub. L. 106-102, §740(2), inserted “at any time during or after the completion of the investigation of the grand jury,” after “paragraph (1)”.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

[§§ 3323 to 3328. Repealed. Pub. L. 101-73, title IX, §964(a), Aug. 9, 1989, 103 Stat. 505]

Section 3323, act June 25, 1948, ch. 645, 62 Stat. 829, related to challenging the array of grand jurors or indi-

vidual grand jurors and motions to dismiss. See Rule 6(b) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3324, act June 25, 1948, ch. 645, 62 Stat. 829, related to the appointment of the grand jury foreman and deputy foreman, oaths, affirmations and indictments, and records of jurors concurring. See Rule 6(c) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3325, act June 25, 1948, ch. 645, 62 Stat. 829, related to persons who may be present while the grand jury is in session, and exclusion while the jury is deliberating or voting. See Rule 6(d) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3326, act June 25, 1948, ch. 645, 62 Stat. 829, related to disclosure of proceedings to government attorneys, disclosure by direction of the court or permission of the defendant, and secrecy of the indictment. See Rule 6(e) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3327, act June 25, 1948, ch. 645, 62 Stat. 830, related to concurrence of 12 or more jurors in the indictment and return of the indictment to the judge in open court. See Rule 6(f) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3328, act June 25, 1948, ch. 645, 62 Stat. 830, related to discharge of grand jury by court, limitation of service, and excusing jurors for cause. See Rule 6(g) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

CHAPTER 216—SPECIAL GRAND JURY

Sec.	
3331.	Summoning and term.
3332.	Powers and duties.
3333.	Reports.
3334.	General provisions.

AMENDMENTS

1970—Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 923, added chapter 216 and items 3331 to 3334.

NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

Pub. L. 91-452, title XII, §§1201-1211, Oct. 15, 1970, 84 Stat. 960, 961, established the National Commission on Individual Rights to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries authorized under chapter 216 of this title, dangerous special offender sentencing under section 3575 of this title, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action, and other practices which in its opinion might infringe upon the individual rights of the people of the United States. The Commission was required to make interim reports at least every two years and a final report to the President and Congress six years after Jan. 1, 1972, and was to cease to exist 60 days after submission of the final report.

§ 3331. Summoning and term

(a) In addition to such other grand juries as shall be called from time to time, each district court which is located in a judicial district containing more than four million inhabitants or in which the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any designated Assistant Attorney General, certifies in writing to the chief judge of the district that in his judgment a special grand jury is necessary because of criminal activity in the district shall order a special grand jury to be summoned at least once in each period of eighteen months unless another special grand jury is then

serving. The grand jury shall serve for a term of eighteen months unless an order for its discharge is entered earlier by the court upon a determination of the grand jury by majority vote that its business has been completed. If, at the end of such term or any extension thereof, the district court determines the business of the grand jury has not been completed, the court may enter an order extending such term for an additional period of six months. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

(b) If a district court within any judicial circuit fails to extend the term of a special grand jury or enters an order for the discharge of such grand jury before such grand jury determines that it has completed its business, the grand jury, upon the affirmative vote of a majority of its members, may apply to the chief judge of the circuit for an order for the continuance of the term of the grand jury. Upon the making of such an application by the grand jury, the term thereof shall continue until the entry upon such application by the chief judge of the circuit of an appropriate order. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

(Added Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 923; amended Pub. L. 100-690, title VII, § 7020(d), Nov. 18, 1988, 102 Stat. 4396.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-690 inserted “, the Associate Attorney General” after “Deputy Attorney General”.

§ 3332. Powers and duties

(a) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.

(b) Whenever the district court determines that the volume of business of the special grand jury exceeds the capacity of the grand jury to discharge its obligations, the district court may order an additional special grand jury for that district to be impaneled.

(Added Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 924.)

REFERENCES IN TEXT

The criminal laws of the United States, referred to in subsec. (a), are classified generally to this title.

§ 3333. Reports

(a) A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon completion of its

original term, or each extension thereof, submit to the court a report—

(1) concerning noncriminal misconduct, malfeasance, or misfeasance in office involving organized criminal activity by an appointed public officer or employee as the basis for a recommendation of removal or disciplinary action; or

(2) regarding organized crime conditions in the district.

(b) The court to which such report is submitted shall examine it and the minutes of the special grand jury and, except as otherwise provided in subsections (c) and (d) of this section, shall make an order accepting and filing such report as a public record only if the court is satisfied that it complies with the provisions of subsection (a) of this section and that—

(1) the report is based upon facts revealed in the course of an investigation authorized by subsection (a) of section 3332 and is supported by the preponderance of the evidence; and

(2) when the report is submitted pursuant to paragraph (1) of subsection (a) of this section, each person named therein and any reasonable number of witnesses in his behalf as designated by him to the foreman of the grand jury were afforded an opportunity to testify before the grand jury prior to the filing of such report, and when the report is submitted pursuant to paragraph (2) of subsection (a) of this section, it is not critical of an identified person.

(c)(1) An order accepting a report pursuant to paragraph (1) of subsection (a) of this section and the report shall be sealed by the court and shall not be filed as a public record or be subject to subpoena or otherwise made public (i) until at least thirty-one days after a copy of the order and report are served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, or (ii) if an appeal is taken, until all rights of review of the public officer or employee named therein have expired or terminated in an order accepting the report. No order accepting a report pursuant to paragraph (1) of subsection (a) of this section shall be entered until thirty days after the delivery of such report to the public officer or body pursuant to paragraph (3) of subsection (c) of this section. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of the court.

(2) Such public officer or employee may file with the clerk a verified answer to such a report not later than twenty days after service of the order and report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and, except for those parts thereof which the court determines to have been inserted scandalously, prejudiciously, or unnecessarily, such answer shall become an appendix to the report.

(3) Upon the expiration of the time set forth in paragraph (1) of subsection (c) of this section, the United States attorney shall deliver a true copy of such report, and the appendix, if any, for appropriate action to each public officer or body having jurisdiction, responsibility, or authority over each public officer or employee named in the report.

(d) Upon the submission of a report pursuant to subsection (a) of this section, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpoena or public inspection during the pendency of such criminal matter, except upon order of the court.

(e) Whenever the court to which a report is submitted pursuant to paragraph (1) of subsection (a) of this section is not satisfied that the report complies with the provisions of subsection (b) of this section, it may direct that additional testimony be taken before the same grand jury, or it shall make an order sealing such report, and it shall not be filed as a public record or be subject to subpoena or otherwise made public until the provisions of subsection (b) of this section are met. A special grand jury term may be extended by the district court beyond thirty-six months in order that such additional testimony may be taken or the provisions of subsection (b) of this section may be met.

(f) As used in this section, "public officer or employee" means any officer or employee of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any political subdivision, or any department, agency, or instrumentality thereof.

(Added Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 924.)

§ 3334. General provisions

The provisions of chapter 215, title 18, United States Code, and the Federal Rules of Criminal Procedure applicable to regular grand juries shall apply to special grand juries to the extent not inconsistent with sections 3331, 3332, or 3333 of this chapter.

(Added Pub. L. 91-452, title I, §101(a), Oct. 15, 1970, 84 Stat. 926.)

CHAPTER 217—INDICTMENT AND INFORMATION

Sec.	
3361.	Form and contents—Rule.
3362.	Waiver of indictment and prosecution on information—Rule.
3363.	Joinder of offenses—Rule.
3364.	Joinder of defendants—Rule.
3365.	Amendment of information—Rule.
3366.	Bill of particulars—Rule.
3367.	Dismissal—Rule.

§ 3361. Form and contents—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Contents and form; striking surplusage, Rule 7(a), (c), (d).

(June 25, 1948, ch. 645, 62 Stat. 830.)

§ 3362. Waiver of indictment and prosecution on information—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Waiver of indictment for offenses not punishable by death, Rule 7(b).

(June 25, 1948, ch. 645, 62 Stat. 830.)

§ 3363. Joinder of offenses—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Joinder of two or more offenses in same indictment, Rule 8(a).

Trial together of indictments or informations, Rule 13.

(June 25, 1948, ch. 645, 62 Stat. 830.)

§ 3364. Joinder of defendants—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Joinder of two or more defendants charged in same indictment, Rule 8(b).

Relief from prejudicial joinder, Rule 14.

(June 25, 1948, ch. 645, 62 Stat. 830.)

§ 3365. Amendment of information—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Amendment of information, time and conditions, Rule 7(e).

(June 25, 1948, ch. 645, 62 Stat. 830.)

§ 3366. Bill of particulars—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Bill of particulars for cause; motion after arraignment; time; amendment, Rule 7(f).

(June 25, 1948, ch. 645, 62 Stat. 830.)

§ 3367. Dismissal—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Dismissal filed by Attorney General or United States Attorney, Rule 48.

Dismissal on objection to array of grand jury or lack of legal qualification of individual grand juror, Rule 6(b)(2).

(June 25, 1948, ch. 645, 62 Stat. 830.)

CHAPTER 219—TRIAL BY UNITED STATES MAGISTRATE JUDGES

Sec.	
3401.	Misdemeanors; application of probation laws.
3402.	Rules of procedure, practice and appeal.

AMENDMENTS

1979—Pub. L. 96-82, §7(c), Oct. 10, 1979, 93 Stat. 646, substituted "Misdemeanors" for "Minor offenses" in item 3401.

1968—Pub. L. 90-578, title III, §§301(c), 302(c), Oct. 17, 1968, 82 Stat. 1115, 1116, substituted "TRIAL BY UNITED STATES MAGISTRATES" for "TRIAL BY COMMISSIONERS" in chapter heading, and substituted "Minor offenses" for "Petty offenses" and struck out "fees" after "probation laws" in item 3401.

CHANGE OF NAME

"UNITED STATES MAGISTRATE JUDGES" substituted for "UNITED STATES MAGISTRATES" in chapter heading pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 3401. Misdemeanors; application of probation laws

(a) When specially designated to exercise such jurisdiction by the district court or courts he