

extradition has been requested by that country if the other requirements of that treaty or convention are met.

(Added Pub. L. 101-623, § 11(a), Nov. 21, 1990, 104 Stat. 3356.)

#### CHAPTER 213—LIMITATIONS

Sec.	
[3286.	Repealed.]
3293.	Financial institution offenses.

##### AMENDMENTS

1990—Pub. L. 101-647, title XII, § 1207(b), Nov. 29, 1990, 104 Stat. 4832, struck out item 3286 "Seduction on vessel of United States".

1989—Pub. L. 101-73, title IX, § 961(D)(2), Aug. 9, 1989, 103 Stat. 501, added item 3293.

[§ 3286. Repealed. Pub. L. 101-647, title XII, § 1207(b), Nov. 29, 1990, 104 Stat. 4832]

Section, act June 25, 1948, ch. 645, 62 Stat. 828, related to seduction on vessel of United States.

§ 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.

(As amended Nov. 29, 1990, Pub. L. 101-647, title XII, § 1213, title XXV, § 2595(b), title XXXV, § 3580, 104 Stat. 4833, 4907, 4929.)

##### AMENDMENTS

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

Pub. L. 101-647, §§ 1213, 2595(b), which directed similar amendments by striking 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 in the case of § 1213, directed that the stricken language be inserted after "within six months of the expiration of the statute of limitations," and in the case of § 2595(b), directed that the stricken language be inserted after "expiration of the applicable statute of limitations," was executed by striking out the language as directed and inserting it after "within six calendar months of the expiration of the applicable statute of limitations," to reflect the probable intent of Congress.

§ 3293. Financial institution offenses

No person shall be prosecuted, tried, or punished for a violation of, or a conspiracy to violate—

- (1) section 215, 656, 657, 1005, 1006, 1007, 1008,<sup>1</sup> 1014, or 1344;
- (2) section 1341 or 1343, if the offense affects a financial institution; or
- (3) section 1963, to the extent that the racketeering activity involves a violation of section 1344;

unless the indictment is returned or the information is filed within 10 years after the commission of the offense.

(Added Pub. L. 101-73, title IX, § 961(D)(1), Aug. 9, 1989, 103 Stat. 501; amended Pub. L. 101-647, title XXV, § 2505(a), Nov. 29, 1990, 104 Stat. 4862.)

##### REFERENCES IN TEXT

Section 1008 of this title, referred to in par. (1), was repealed by Pub. L. 101-73, title IX, § 961(g)(1), Aug. 9, 1989, 103 Stat. 500.

##### AMENDMENTS

1990—Par. (3). Pub. L. 101-647 added par. (3).

##### EFFECTIVE DATE OF 1990 AMENDMENT

Section 2505(b) of Pub. L. 101-647 provided that: "The amendments made by subsection (a) [amending this section] shall apply to any offense committed before the date of the enactment of this section [Nov. 29, 1990], if the statute of limitations applicable to that offense had not run as of such date."

##### EFFECT OF THIS SECTION ON OFFENSES FOR WHICH PRIOR PERIOD OF LIMITATIONS HAD NOT RUN

Section 961(D)(3) of Pub. L. 101-73 provided that: "The amendments made by this subsection [enacting this section] shall apply to an offense committed before the effective date of this section [Aug. 9, 1989], if the statute of limitations applicable to that offense under this chapter had not run as of such date."

#### CHAPTER 215—GRAND JURY

Sec.	
3322.	Disclosure of certain matters occurring before grand jury.
	[3323 to 3328. Repealed.]

##### AMENDMENTS

1989—Pub. L. 101-73, title IX, § 964(b), Aug. 9, 1989, 103 Stat. 506, added item 3322 "Disclosure of certain matters occurring before grand jury" and struck out former items 3322 "Number; summoning—Rule", 3323 "Objections and motions—Rule", 3324 "Foreman and deputy; powers and duties; records—Rule", 3325 "Persons present at proceedings—Rule", 3326 "Secrecy of proceedings and disclosure—Rule", 3327 "Indictment; finding and return—Rule", and 3328 "Discharging jury and excusing juror—Rule".

§ 3322. Disclosure of certain matters occurring before grand jury

(a) A person who is privy to grand jury information concerning a banking law violation—

- (1) received in the course of duty as an attorney for the government; or

<sup>1</sup> See References in Text note below.

(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the government for use in enforcing section 951 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 or for use in connection with civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title.

(b)(1) Upon motion of an attorney for the government, a court may direct disclosure of matters occurring before a grand jury during an investigation of a banking law violation to identified personnel of a financial institution regulatory agency—

(A) for use in relation to any matter within the jurisdiction of such regulatory agency; or

(B) to assist an attorney for the government to whom matters have been disclosed under subsection (a).

(2) A court may issue an order under paragraph (1) 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, or 1344; or

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

(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.)

#### 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 subssecs. (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, which related to the summoning of and number of grand jurors, was repealed by Pub. L. 101-73, title IX, § 964(a), Aug. 9, 1989, 103 Stat. 505. See Rule 6(a) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1345 of this title.

[§§ 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 individual 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 219—TRIAL BY UNITED STATES MAGISTRATES

#### § 3401. Misdemeanors; application of probation laws

[See main edition for text of (a) to (c)]

(d) The probation laws shall be applicable to persons tried by a magistrate under this section, and such officer shall have power to grant probation and to revoke, modify, or reinstate the probation of any person granted probation by a magistrate judge.

[See main edition for text of (e) to (g)]

(h) The magistrate judge shall have power to modify, revoke, or terminate supervised release of any person sentenced to a term of supervised release by a magistrate judge.

(i) A district judge may designate a magistrate judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the judge proposed findings of fact and recommendations for such modification, revocation, or termination by the judge, including, in the case of revocation, a recommended disposition under section 3583(e) of this title. The magistrate judge shall file his or her proposed findings and recommendations.

(As amended Oct. 29, 1992, Pub. L. 102-572, title I, § 103, 106 Stat. 4507.)

#### AMENDMENTS

1992—Subsec. (d). Pub. L. 102-572, § 103(1), substituted "and to revoke, modify, or reinstate the probation of any person granted probation by a magistrate judge" for "and to revoke or reinstate the probation of any person granted probation by him".

Subsecs. (h), (i). Pub. L. 102-572, § 103(2), added subssecs. (h) and (i).

#### CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate