

HISTORICAL NOTE

The Supreme Court prescribes rules of criminal procedure for the district courts pursuant to section 2072 of Title 28, United States Code, as enacted by Title IV ``Rules Enabling Act'' of Pub. L. 100-702 (approved November 19, 1988, 102 Stat. 4648), effective December 1, 1988. Pursuant to section 2074 of Title 28, the Supreme Court transmits to Congress (not later than May 1 of the year in which a rule prescribed under section 2072 is to become effective) a copy of the proposed rule. The rule takes effect no earlier than December 1 of the year in which the rule is transmitted unless otherwise provided by law.

Prior to enactment of Pub. L. 100-702, the Supreme Court promulgated rules of criminal procedure for the district courts pursuant to two sections of Title 18, United States Code. Section 3771 authorized the Court to prescribe rules for all criminal proceedings prior to and including verdict, or finding of guilty or not guilty by the court, or plea of guilty. Section 3772 empowered the Court to prescribe rules with respect to all proceedings after verdict or finding of guilty by the court, or plea of guilty.

Proceedings Prior to and Including Verdict

By act of June 29, 1940, ch. 445, 54 Stat. 688 (subsequently 18 United States Code, § 3771), the Supreme Court was authorized to prescribe general rules of criminal procedure prior to and including verdict, finding of guilty or not guilty by the court, or plea of guilty, in criminal proceedings. The rules, and subsequent amendments, were not to take effect until (1) they had been first reported to Congress by the Attorney General at the beginning of a regular session and (2) after the close of that session.

Under a 1949 amendment to 18 U.S.C., § 3771, the Chief Justice of the United States, instead of the Attorney General, reported the rules to Congress. In 1950, section 3771 was further amended so that amendments to the rules could be reported to Congress not later than May 1 each year and become effective 90 days after being reported. Effective December 1, 1988, section 3771 was repealed and supplanted by new sections 2072 and 2074 of Title 28, United States Code, see first paragraph of Historical Note above.

The original rules pursuant to act of June 30, 1940, were adopted by order of the Court on December 26, 1944, transmitted to Congress



by the Attorney General on January 3, 1945, and became effective March 21, 1946 (327 U.S. 821; Cong. Rec., vol. 91, pt. 1, p. 17, Exec. Comm. 4; H. Doc. 12, 79th Cong.).

Amendments were adopted by order of the Court dated December 27, 1948, transmitted to Congress by the Attorney General on January 3, 1949, and became effective October 20, 1949 (335 U.S. 917, 949; Cong. Rec., vol. 95, pt. 1, p. 13, Exec. Comm. 16; H. Doc. 30, 81st Cong.). The amendments affected Rules 17(e)(2), 41(b)(3), 41(g), 54(a)(1), 54(b), 54(c), 55, 56, and 57(a) and Forms 1-27, inclusive.

Further amendments were adopted by order of the Court dated April 9, 1956, transmitted to Congress by the Chief Justice on the same day, and became effective July 8, 1956 (350 U.S. 1017; Cong. Rec., vol. 102, pt. 5, p. 5973, Exec. Comm. 16; H. Doc. 377, 84th Cong.). The amendments affected Rules 41(a), 46(a)(2), 54(a)(1), and 54(c).

Further amendments were adopted by order of the Court dated February 28, 1966, transmitted to Congress by the Chief Justice on the same day, and became effective July 1, 1966 (383 U.S. 1087; Cong. Rec., vol. 112, pt. 4, p. 4229, Exec. Comm. 2093; H. Doc. 390, 89th Cong.). The amendments affected Rules 4, 5, 6, 7, 11, 14, 16, 17, 18, 20, 21, 23, 24, 25, 28, 29, 30, 32, 33, 34, 35, 37, 38, 40, 44, 45, 46, 49, 54, 55, and 56, and Form 26, added new Rules 17.1 and 26.1, and rescinded Rules 19 and 45(c).

Further amendments were adopted by the Court by order dated December 4, 1967, transmitted to Congress by the Chief Justice on January 15, 1968, and became effective July 1, 1968, together with the new Federal Rules of Appellate Procedure (389 U.S. 1125; Cong. Rec., vol. 114, pt. 1, p. 113, Exec. Comm. 1361; H. Doc. 204, 90th Cong.). The amendments affected Rules 45(b), 49(c), 56, and 57, and abrogated the chapter heading ``VIII. Appeal'', Rules 37, 38(b), (c), and 39, and Forms 26 and 27.

On March 1, 1971, the Court adopted additional amendments which were transmitted to Congress by the Chief Justice on March 1, 1971. These amendments became effective July 1, 1971 (401 U.S. 1025; Cong. Rec., vol. 117, pt. 4, p. 4629, Exec. Comm. 341; H. Doc. 92-57). The amendments affected Rules 45(a) and 56.

Additional amendments were adopted by the Court by order dated April 24, 1972, transmitted to Congress by the Chief Justice, accompanied by his letter of transmittal dated April 24, 1972.



These amendments became effective October 1, 1972 (406 U.S. 979; Cong. Rec., vol. 118, pt. 11, p. 14262, Exec. Comm. 1903; H. Doc. 92-285). The amendments affected Rules 1, 3, 4(b), (c), 5, 5.1, 6(b), 7(c), 9(b), (c), (d), 17(a), (g), 31(e), 32(b), 38(a), 40, 41, 44, 46, 50, 54, and 55.

Additional amendments were adopted by the Court by order dated March 18, 1974, transmitted to Congress by the Chief Justice on the same date. These amendments became effective July 1, 1974 (415 U.S. 1056; Cong. Rec., vol. 120, pt. 5, p. 7012, Exec. Comm. 2062; H. Doc. 93-241). The amendments affected Rules 41(a) and 50.

Further amendments were proposed by the Court in its order dated November 20, 1972, transmitted to Congress by the Chief Justice on February 5, 1973 (409 U.S. 1132 and 419 U.S. 1133, 1136; Cong. Rec., vol. 119, pt. 3, p. 3247, Exec. Comm. 359; H. Doc. 93-46). Although these amendments were to have become effective July 1, 1973, Public Law 93-12 (approved March 30, 1973, 87 Stat. 9) provided that the proposed amendments ``shall have no force or effect except to the extent, and with such amendments, as they may be expressly approved by Act of Congress.'' Section 3 of Public Law 93-595 (approved January 2, 1975, 88 Stat. 1949) approved the amendments proposed by the Court, to be effective July 1, 1975. The amendments affected Rules 26, 26.1, and 28.

In its order dated April 22, 1974, the Court proposed additional amendments which were transmitted to Congress by the Chief Justice on the same day. The amendments were to have become effective August 1, 1974 (416 U.S. 1001; Cong. Rec., vol. 120, pt. 9, p. 11472, Exec. Comm. 2223; H. Doc. 93-292). The effective date of the proposed amendments was postponed until August 1, 1975, by Public Law 93-361 (approved July 30, 1974, 88 Stat. 397). Public Law 94-64 (approved July 31, 1975, 89 Stat. 370) approved the amendments proposed by the Court and further amended the rules, to be effective December 1, 1975, except Rule 11(e)(6), to be effective August 1, 1975. The amendments affected Rules 4, 9(a), 11, 12, 15, 16, 17(f), 20, 32(a), (c), (e), and 43, and added Rules 12.1, 12.2, and 29.1.

Technical amendments to Rules 9(b), 9(c), 16(a), and 16(b) were made by section 5 of Public Law 94-149 (approved Dec. 12, 1975, 89 Stat. 806).

Additional amendments were proposed by the Court by order dated April 26, 1976, were transmitted to Congress by the Chief Justice on the same day (425 U.S. 1157; Cong. Rec., vol. 122, pt. 9, p.



11117, Exec. Comm. 3084; H. Doc. 94-464), and were to be effective August 1, 1976. Public Law 94-349 (approved July 8, 1976, 90 Stat. 822) delayed the effective date of the amendments to Rules 6(e), 23, 24, and 41(c)(2), and the addition of Rule 40.1 until August 1, 1977, or until and to the extent approved by Act of Congress, whichever is earlier. Also, it approved the amendments to Rules 6(f), 41(a), and 50(b), to be effective August 1, 1976. Public Law 95-78 (approved July 30, 1977, 91 Stat. 319) disapproved the amendment to Rule 24 and the addition of Rule 40.1, approved amendments to Rule 23, and modified and approved amendments to Rules 6(e) and 41(c), to be effective October 1, 1977.

Additional amendments were proposed by the Court by order dated April 30, 1979, were transmitted to Congress by the Chief Justice on the same day (441 U.S. 970, 985; Cong. Rec., vol. 125, pt. 8, p. 9366, Exec. Comm. 1456; H. Doc. 96-112), and were to be effective August 1, 1979. Amendments to Rules 6(e), 7(c)(2), 9(a), 11(e)(2), 18, 32(c)(3)(E), 35, and 41(a), (b), and (c) became effective August 1, 1979. Public Law 96-42 (approved July 31, 1979, 93 Stat. 326) delayed the effective date of the amendments to Rules 11(e)(6), 17(h), 32(f), and 44(c), and the addition of new Rules 26.2 and 32.1, until December 1, 1980, or until and to the extent approved by Act of Congress, whichever is earlier, and modified and approved the amendment to Rule 40 to be effective August 1, 1979. In the absence of further action by Congress, the amendments that were the subject of a delayed effective date pursuant to Public Law 96-42 became effective December 1, 1980.

Additional amendments were adopted by the Court by order dated April 28, 1982, transmitted to Congress by the Chief Justice on the same day (456 U.S. 1021; Cong. Rec., vol. 128, pt. 6, p. 8191, Exec. Comm. 3822; H. Doc. 97-173), and became effective August 1, 1982. The amendments affected Rules 1, 5(b), 9(a), (b)(1), (2), (c)(1), (2), 11(c)(1), (4), (5), 20(b), 40(d)(1), (2), 45(a), 54(a), (b)(4), (c), and abrogated Rule 9(d).

An amendment to Rule 32(c)(2) was made by section 3 of Public Law 97-291 (approved October 12, 1982, 96 Stat. 1249.)

Additional amendments were adopted by the Court by order dated April 28, 1983, transmitted to Congress by the Chief Justice on the same day (461 U.S. 1117; Cong. Rec., vol. 129, pt. 8, p. 10479, Exec. Comm. 1028; H. Doc. 98-55), and became effective August 1, 1983. The amendments affected Rules 6(e), (g), 11(a), (h), 12(i), 12.2(b), (c), (d), (e), 16(a), 23(b), 32(a), (c), (d), 35(b), and 55, and abrogated Rule 58 and the Appendix of Forms.



Section 209 of Public Law 98-473 (approved October 12, 1984, 98 Stat. 1986) amended Rules 5(c), 15(a), 40(f), 46(a), (c), (e)(2), and 54(b)(3), and added Rule 46(h).

Section 215 of Public Law 98-473 (98 Stat. 2014, as amended) amended Rules 6(e)(3)(C), 32(a)(1), (2), (c)(1) to (3), (d), 35, 38, 40(d)(1), and 54(c), effective on the first day of the first calendar month beginning 36 months after October 12, 1984 (November 1, 1987).

Section 404(a) of Public Law 98-473 (98 Stat. 2067) amended Rule 12.2(a). Section 404(b) to (d) of Public Law 98-473 would have amended Rule 12.2(b) to (d), but the amendments by section 404(b) and (d) were repealed by section 11(b) of Public Law 98-596 (approved October 30, 1984, 98 Stat. 3138) and the amendment by section 404(c) of Public Law 98-473 could not be executed because it directed the deletion of language not found in the text of the Rule [that defect being cured by section 11(a) of Public Law 98-596, which amended Rule 12.2(c) and (d)]. The amendments and repeals by section 11 of Public Law 98-596 are effective on and after the date of enactment of Public Law 98-473 (October 12, 1984).

Additional amendments were adopted by the Court by order dated April 29, 1985, transmitted to Congress by the Chief Justice on the same day (471 U.S. 1167; Cong. Rec., vol. 131, pt. 7, p. 9826, Exec. Comm. 1154; H. Doc. 99-64), and became effective August 1, 1985. The amendments affected Rules 6(e)(3), 11(c)(1), 12.1(f), 12.2(e), 35(b), 45(a), 49(e), and 57. The amendment to Rule 35(b) was effective until November 1, 1986, when section 215(b) of Public Law 98-473 (approved October 12, 1984, 98 Stat. 2015) was to go into effect. Section 235(a)(1) of Public Law 98-473, which originally provided for an effective date of November 1, 1986, for the amendments made by section 215(b) of Public Law 98-473, was later amended by section 4 of Public Law 99-217 (approved December 26, 1985, 99 Stat. 1728) to provide for an effective date of November 1, 1987.

Section 1009 of Public Law 99-570 (approved October 27, 1986, 100 Stat. 3207-8) amended Rule 35(b), effective on the date (November 1, 1987) of the taking effect of Rule 35(b) as amended by section 215(b) of Public Law 98-473.

Sections 12(b), 24, 25(a), and 54(a) of Public Law 99-646 (approved November 10, 1986, 100 Stat. 3594, 3597, 3607) affected Rules 12.2(c), 29(d), 32(c)(2)(B), and 32.1(b). The amendments to Rules

29(d) and 32.1(b) became effective 30 days after the date of enactment of Public Law 99-646. The amendment to Rule 32(c)(2)(B) became effective November 1, 1987, when the amendment made by section 215(a)(5) of Public Law 98-473 went into effect.

Additional amendments were adopted by the Court by order dated March 9, 1987, transmitted to Congress by the Chief Justice on the same day (480 U.S. 1041; Cong. Rec., vol. 133, pt. 4, p. 5256, Exec. Comm. 825; H. Doc. 100-47), and became effective August 1, 1987. The amendments affected Rules 4(c)(1), (d)(3), (4), 5(c), 5.1(a), (c), 6(a), (c), (f), 7(b), (c)(1), (3), 10, 11(a)(2), (c)(2) to (5), (d), (e)(2), (4), 12(h), 12.1(a), (b) to (d), 12.2(a), (b), (d), 15(a) to (e), 16(a)(1)(A) to (C), (b)(1)(B), (2), (c), 17(a), (d), (g), 17.1, 20, 21(a), (b), 24(a), 25, 26.2(a), (c), (f)(1), 30, 32(a), (c)(3)(A) to (E), 32.1, 33, 38(a)(2), (3), 40(a), (d)(3), (e), (f), 41(c)(1), (e), 42, 43(b), 44(a), (c), 45(e), 46(b), (d), (g), 49(b), and 51.

Additional amendments were adopted by the Court by order dated April 25, 1988, transmitted to Congress by the Chief Justice on the same day (485 U.S. 1057; Cong. Rec., vol. 134, pt. 7, p. 9154, Exec. Comm. 3516; H. Doc. 100-186), and became effective August 1, 1988. The amendments affected Rules 30 and 56.

Sections 6483, 7076, and 7089(c) of Public Law 100-690 (approved November 18, 1988, 102 Stat. 4382, 4406, 4409) amended Rules 11(c)(1) and 54(c), and added Rule 12.3.

Additional amendments were adopted by the Court by order dated April 25, 1989, transmitted to Congress by the Chief Justice on the same day (490 U.S. 1135; Cong. Rec., vol. 135, pt. 6, p. 7542, Exec. Comm. 1059; H. Doc. 101-55), and became effective December 1, 1989. The amendments affected Rules 11(c)(1), 32(a), (c), 32.1(a), (b), 40(d), and 41(e).

Additional amendments were adopted by the Court by order dated May 1, 1990, transmitted to Congress by the Chief Justice on the same day (495 U.S. 967; Cong. Rec., vol. 136, pt. 6, p. 9091, Ex. Comm. 3098; H. Doc. 101-185), and became effective December 1, 1990. The amendments affected Rules 5(b), 41(a), and 54(b)(4), (c), and added new Rule 58.

Additional amendments were adopted by the Court by order dated April 30, 1991, transmitted to Congress by the Chief Justice on the same day (500 U.S. 991; Cong. Rec., vol. 137, pt. 7, p. 9721, Ex. Comm. 1191; H. Doc. 102-78), and became effective December 1,



1991. The amendments affected Rules 16(a), 32(c), 32.1(a), 35(b), (c), 46(h), 54(a), and 58(b), (d).

Additional amendments were adopted by the Court by order dated April 22, 1993, transmitted to Congress by the Chief Justice on the same day (507 U.S. 1161; Cong. Rec., vol. 139, pt. 6, p. 8127, Ex. Comm. 1103; H. Doc. 103-75), and became effective December 1, 1993. The amendments affected Rules 1, 3, 4(c)(1), (d), 5, 5.1, 6(e)(4), (f), 9(a) to (c), 12(i), 16(a)(1)(E), (2), (b)(1)(C), 17(a), (g), 26.2(c), (d), (g), 32(e), 32.1(c), 40(a), (b), (d), (e), (f), 41(a), (c), (d), (g), 44(a), 46(i), 49(e), 50(b), 54(b)(3), (4), (c), 55, 57, and 58(a)(1), (b)(2), (3), (c)(2), (d)(2), (g)(2), and added new Rule 26.3.

Additional amendments were adopted by the Court by order dated April 29, 1994, transmitted to Congress by the Chief Justice on the same day (511 U.S. 1175; Cong. Rec., vol. 140, pt. 7, p. 8903, Ex. Comm. 3084; H. Doc. 103-249), and became effective December 1, 1994. The amendments affected Rules 16(a)(1)(A), 29(b), 32, and 40(d).

Sections 230101(b), (c) and 330003(h) of Public Law 103-322 (approved September 13, 1994, 108 Stat. 2078, 2141) affected Rules 32 and 46(i)(1). The amendments to Rule 32 became effective December 1, 1994. The amendment to Rule 46 became effective September 13, 1994.

Additional amendments were adopted by the Court by order dated April 27, 1995, transmitted to Congress by the Chief Justice on the same day (514 U.S. 1159; Cong. Rec., vol. 141, pt. 8, p. 11745, Ex. Comm. 805; H. Doc. 104-65), and became effective December 1, 1995. The amendments affected Rules 5, 40, 43, 49, and 57.

An additional amendment was adopted by the Court by order dated April 23, 1996, transmitted to Congress by the Chief Justice on the same day (517 U.S. 1285; Cong. Rec., vol. 142, pt. 6, p. 8831, Ex. Comm. 2488; H. Doc. 104-202), and became effective December 1, 1996. The amendment affected Rule 32(d)(2).

Sections 207(a) and 211 of Public Law 104-132 (approved April 24, 1996, 110 Stat. 1236, 1241) amended Rule 32(b), effective, to the extent constitutionally permissible, for sentencing proceedings in cases in which the defendant is convicted on or after the date of enactment of Public Law 104-132.

Additional amendments were adopted by the Court by order dated April 11, 1997, transmitted to Congress by the Chief Justice on



the same day (520 U.S. 1313; Cong. Rec., vol. 143, pt. 4, p. 5550, Ex. Comm. 2796; H. Doc. 105-68), and became effective December 1, 1997. The amendments affected Rules 16 and 58.

Additional amendments were adopted by the Court by order dated April 24, 1998, transmitted to Congress by the Chief Justice on the same day (523 U.S. 1227; H. Doc. 105-267), and became effective December 1, 1998. The amendments affected Rules 5.1, 26.2, 31, 33, 35, and 43.

Additional amendments were adopted by the Court by order dated April 26, 1999, transmitted to Congress by the Chief Justice on the same day (526 U.S. 1189; Cong. Rec., vol. 145, pt. 6, p. 7907, Ex. Comm. 1788; H. Doc. 106-55), and became effective December 1, 1999. The amendments affected Rules 6, 11, 24, and 54.

Additional amendments were adopted by the Court by order dated April 17, 2000, transmitted to Congress by the Chief Justice on the same day (529 U.S. 1179; Cong. Rec., vol. 146, pt. 5, p. 6328, Ex. Comm. 7335; H. Doc. 106-227), and became effective December 1, 2000. The amendments affected Rules 7, 31, 32, and 38, and added new Rule 32.2.

Sections 203(a) and 219 of Public Law 107-56 (approved October 26, 2001, 115 Stat. 278, 291) amended Rules 6(e)(3)(C), (D) and 41(a).

Additional amendments were adopted by the Court by order dated April 29, 2002, transmitted to Congress by the Chief Justice on the same day (535 U.S. 1157; Cong. Rec., vol. 148, pt. 5, p. 6813, Ex. Comm. 6621; H. Doc. 107-203), and became effective December 1, 2002. The amendments affected Rules 1 to 60.

Section 11019(b), (c) of Pub. L. 107-273 (approved November 2, 2002, 116 Stat. 1825, 1826) amended Rule 16(a)(1)(G), (b)(1)(C), effective December 1, 2002.

Sections 4 and 895 of Pub. L. 107-296 (approved November 25, 2002, 116 Stat. 2142, 2256) which directed the amendment of Rule 6(e)(2), (3)(A)(ii), (C)(i), (iii), effective 60 days after the date of enactment of Pub. L. 107-296, could not be executed after the amendments of April 29, 2002, effective December 1, 2002.

Section 610(b) of Pub. L. 108-21 (approved April 30, 2003, 117 Stat. 692) amended Rule 7(c)(1).

An additional amendment was adopted by the Court by order dated April 26, 2004, transmitted to Congress by the Chief Justice on the same day (541 U.S. 1103; Cong. Rec., vol. 150, pt. 6, p. 7968,



Ex. Comm. 7865; H. Doc. 108-182), and became effective December 1, 2004. The amendment affected Rule 35.

Section 6501(a) of Pub. L. 108-458 (approved December 17, 2004, 118 Stat. 3760) amended Rule 6(e).

Additional amendments were adopted by the Court by order dated April 25, 2005, transmitted to Congress by the Chief Justice on the same day (544 U.S. 1181; Cong. Rec., vol. 151, pt. 7, p. 8784, Ex. Comm. 1905; H. Doc. 109-22), and became effective December 1, 2005. The amendments affected Rules 12.2, 29, 32.1, 33, 34, and 45, and added new Rule 59.

Additional amendments were adopted by the Court by order dated April 12, 2006, transmitted to Congress by the Chief Justice on the same day (547 U.S. 1269; Cong. Rec., vol. 152, pt. 6, p. 7213, Ex. Comm. 7316; H. Doc. 109-104), and became effective December 1, 2006. The amendments affected Rules 5, 6, 32.1, 40, 41, and 58.

Additional amendments were adopted by the Court by order dated April 30, 2007, transmitted to Congress by the Chief Justice on the same day (550 U.S. 1165; Cong. Rec., vol. 153, pt. 8, pp. 10611-10612, Ex. Comm. 1376; H. Doc. 110-26), and became effective December 1, 2007. The amendments affected Rules 11, 32, 35, 45, added a new Rule 49.1, and abrogated the Model Form for Use in 28 U.S.C. § 2254 Cases Involving a Rule 9 Issue.

Additional amendments were adopted by the Court by order dated April 23, 2008, transmitted to Congress by the Chief Justice on the same day (553 U.S. 1155; Cong. Rec., vol. 154, pt. 8, p. 11078, Ex. Comm. 6879; H. Doc. 110-118), and became effective December 1, 2008. The amendments affected Rules 1, 12.1, 17, 18, 32, 41, 45, added new Rule 60, and renumbered former Rule 60 as 61.

Additional amendments were adopted by the Court by order dated March 26, 2009, transmitted to Congress by the Chief Justice on March 25, 2009 (556 U.S. 1363; Cong. Rec., vol. 155, pt. 8, p. 10210, Ex. Comm. 1265; H. Doc. 111-30), and became effective December 1, 2009. The amendments affected Rules 5.1, 7, 12.1, 12.3, 29, 32, 32.2, 33, 34, 35, 41, 45, 47, 58, and 59.

Additional amendments were adopted by the Court by order dated April 28, 2010, transmitted to Congress by the Chief Justice on the same day (559 U.S. 1151; Cong. Rec., vol. 156, pt. 6, p. 8139, Ex. Comm. 7472; H. Doc. 111-110), and became effective December 1, 2010. The amendments affected Rules 12.3, 21, and 32.1.



Additional amendments were adopted by the Court by order dated April 26, 2011, transmitted to Congress by the Chief Justice on the same day (563 U.S. 1063; Cong. Rec., vol. 157, pt. 6, p. 7770, Ex. Comm. 1664; H. Doc. 112-31), and became effective December 1, 2011. The amendments affected Rules 1, 3, 4, 6, 9, 32, 40, 41, 43, and 49, and added new Rule 4.1.

Additional amendments were adopted by the Court by order dated April 23, 2012, transmitted to Congress by the Chief Justice on the same day (566 U.S. 1053; Cong. Rec., vol. 158, pt. 5, p. 6055, Ex. Comm. 5883; H. Doc. 112-104), and became effective December 1, 2012. The amendments affected Rules 5 and 15, and added new Rule 37.

Additional amendments were adopted by the Court by order dated April 16, 2013, transmitted to Congress by the Chief Justice on the same day (569 U.S. 1161; Cong. Rec., vol. 159, pt. 5, p. 6968, Ex. Comm. 1491; H. Doc. 113-25), and became effective December 1, 2013. The amendments affected Rules 11 and 16.

Additional amendments were adopted by the Court by order dated April 25, 2014, transmitted to Congress by the Chief Justice on the same day (572 U.S. 1223; Cong. Rec., vol. 160, pt. 11, p. 15506, Ex. Comm. 7578; H. Doc. 113-162), and became effective December 1, 2014. The amendments affected Rules 5, 6, 12, 34, and 58.

Additional amendments were adopted by the Court by order dated April 28, 2016, transmitted to Congress by the Chief Justice on the same day (578 U.S.—; Cong. Rec., vol. 162, p. H2147, Daily Issue, Ex. Comm. 5232; H. Doc. 114-127), and became effective December 1, 2016. The amendments affected Rules 4, 41, and 45.

Section 2(c) of Public Law 114-324 (approved December 16, 2016, 130 Stat. 1948) amended Rule 28.

Additional amendments were adopted by the Court by order dated April 26, 2018, transmitted to Congress by the Chief Justice on the same day (584 U.S.—; Cong. Rec., vol. 164, p. H3927, Daily Issue, Ex. Comm. 4790; H. Doc. 115-120), and became effective December 1, 2018. The amendments affected Rules 12.4, 45, and 49.

An additional amendment was adopted by the Court by order dated April 25, 2019, transmitted to Congress by the Chief Justice on the same day (587 U.S.—; Cong. Rec., vol. 165, p. H7864, Daily Issue, Ex. Comm. 2224; H. Doc. 116-66), and became effective December 1, 2019. The amendment added new Rule 16.1.



Proceedings After Verdict

By act of February 24, 1933, ch. 119, 47 Stat. 904, as amended (subsequently 18 United States Code, § 3772), the Supreme Court was authorized to prescribe general rules of criminal procedure with respect to proceedings after verdict or finding of guilty by the court, or plea of guilty, which became effective on dates fixed by the Court. These rules were not required to be submitted to Congress.

Rules 32 to 39, inclusive, were adopted by order of the Court on February 8, 1946, and became effective on March 21, 1946 (327 U.S. 825). Prior rules promulgated on May 7, 1934 (292 U.S. 659), were not specifically rescinded by that order but were superseded by these later rules.

Amendments to Rules 37(a)(1), 38(a)(3), (c), and 39(b)(2) were adopted by order of the Court dated December 27, 1948, and became effective on January 1, 1949 (335 U.S. 917).

Additional amendment to Rule 37 was adopted by order of the Court dated April 12, 1954, and became effective on July 1, 1954 (346 U.S. 941).

The Court adopted separate Federal Rules of Appellate Procedure by order dated December 4, 1967, transmitted to Congress on January 15, 1968, effective July 1, 1968. As noted above, Rules 37, 38(b), (c), and 39, and Forms 26 and 27, were abrogated effective July 1, 1968, by that same order.

Effective December 1, 1988, section 3772 of Title 18 was repealed and supplanted by section 2072 of Title 28, United States Code, see first paragraph of Historical Note above.

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Committee Notes

Committee Notes prepared by the Committee on Rules of Practice and Procedure and the Advisory Committee on the Federal Rules of Criminal Procedure, Judicial Conference of the United States, explaining the purpose and intent of the amendments are set out in the Appendix to Title 18, United States Code, following the particular rule to which they relate. In addition, the rules and amendments, together with Committee Notes, are set out in the House documents listed above.

