

RULE 1101 | APPLICABILITY OF THE RULES

(a) TO COURTS AND JUDGES. These rules apply to proceedings before:

- United States district courts;
- United States bankruptcy and magistrate judges;
- United States courts of appeals;
- the United States Court of Federal Claims; and
- the district courts of Guam, the Virgin Islands, and the Northern Mariana Islands.

(b) TO CASES AND PROCEEDINGS. These rules apply in:

- civil cases and proceedings, including bankruptcy, admiralty, and maritime cases;
- criminal cases and proceedings; and
- contempt proceedings, except those in which the court may act summarily.

(c) RULES ON PRIVILEGE. The rules on privilege apply to all stages of a case or proceeding.

(d) EXCEPTIONS. These rules – except for those on privilege – do not apply to the following:

- (1) the court's determination, under Rule 104(a), on a preliminary question of fact governing admissibility;
- (2) grand-jury proceedings; and
- (3) miscellaneous proceedings such as:
 - extradition or rendition;
 - issuing an arrest warrant, criminal summons, or search warrant;
 - a preliminary examination in a criminal case;
 - sentencing;
 - granting or revoking probation or supervised release; and
 - considering whether to release on bail or otherwise.

(e) OTHER STATUTES AND RULES. A federal statute or a rule prescribed by the Supreme Court may provide for admitting or excluding evidence independently from these rules.

(As amended Pub. L. 94–149, § 1(14), Dec. 12, 1975, 89 Stat. 806; Pub. L. 95–598, title II, §§ 251, 252, Nov. 6, 1978, 92 Stat. 2673, eff. Oct. 1, 1979; Pub. L. 97–164, title I, § 142, Apr. 2, 1982, 96 Stat. 45, eff. Oct. 1, 1982; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 25, 1988, eff. Nov. 1, 1988; Pub. L. 100–690, title VII, § 7075(c), Nov. 18, 1988, 102 Stat. 4405; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 26, 2011, eff. Dec. 1, 2011.)