

CRIMINAL RULES DOCKET (Historical)

ADVISORY COMMITTEE ON CRIMINAL RULES

This docket sets forth suggested changes to the Federal Rules of Criminal Procedure considered by the Advisory Committee since 1991. The suggestions are set forth in order by (1) criminal rule number, or (2) where there is no rule number, or several rules may be affected — alphabetically by subject matter.

Suggestion	Docket Number, Source, and Date	Status
Rule 4 Require arresting officer to notify pretrial services officer, U.S. Marshal, and U.S. Attorney of arrest	Local Rules Project	10/95 - Subcommittee appointed 4/96 - Subcommittee declined to take action COMPLETED
Rule 4 Clarify the ability of judges to issue warrants via facsimile transmission	01-CR-A Magistrate Judge Bernard Zimmerman 1/29/01	1/01 - Referred to chair and reporter 10/03 - Committee considered and subcommittee formed 5/04 - Committee considered and declined to adopt COMPLETED
Rule 4 Require that foreign citizens be advised of their right to contact the consulate of their country	05-CR-A Professor Linda A. Malone 3/3/05, 3/25/05	3/05 - Referred to chair and reporter 4/05 - Committee considered 10/05 - Committee considered and decided to table proposal indefinitely COMPLETED
Rule 5 Authorize video teleconferencing of initial appearances and arraignments	98-CR-A Judge Fred Biery 5/98 98-CR-B Judge Durwood Edwards 6/98	5/98 - Referred to chair and reporter 10/98 - Referred to subcommittee 10/99 - Committee approved for publication 1/00 - Committee considered as part of style package 4/00 - Committee approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved revision that requires defendant's consent and court approval to video teleconference 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED
Rule 5 Require that foreign citizens be advised of their right to contact the consulate of their country	05-CR-A Professor Linda A. Malone 3/3/05, 3/25/05	3/05 - Referred to chair and reporter 4/05 - Committee considered 10/05 - Committee considered and decided to table proposal indefinitely COMPLETED

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 5(a) Impose time limit for hearings on unlawful-flight-to-avoid-prosecution arrests</p>	<p>Department of Justice 8/91; 8/92</p>	<p>10/92 - Subcommittee appointed 4/93 - Committee approved 6/93 - Standing Committee approved for publication 9/93 - Published for public comment 4/94 - Committee approved revised amendments 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED</p>
<p>Rule 5.1(d) Eliminate consent requirement for magistrate judge consideration</p>	<p>96-CR-E Judge Cyndi Swearingen 10/28/96</p>	<p>1/97 - Referred to chair and reporter 4/97 - Committee recommended proposed legislation to Standing Committee 6/97 - Standing Committee recommitted 10/97 - Committee declines to take action 3/98 - Judicial Conference instructed Committee to propose amendment 4/98 - Committee approved amendment but deferred until style project completed 6/98 - Standing Committee concurred with deferral 6/99 - Committee considered 10/99 - Committee approved for publication 1/00 - Committee considered 4/00 - Committee considered; Committee requested publication 6/00 - Standing Committee approved request to publish 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 5.1 Extend production of witness statements in Criminal Rule 26.2 to Criminal Rule 5.1</p>	<p>Michael R. Levine, Assistant Federal Public Defender 3/95</p>	<p>10/95 - Committee considered 4/96 - Committee approved for publication 6/96 - Standing Committee approved 8/96 - Published for public comment 4/97 - Committee approved 6/97 - Standing Committee approved 9/97 - Judicial Conference approved 4/98 - Supreme Court approved 12/98 - Effective COMPLETED</p>
<p>Rule 6 Statistical reporting of indictments</p>	<p>David L. Cook, Administrative Office of the U.S. Courts 3/93</p>	<p>10/93 - Committee declined to take action COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 6 Allow grand jury witness to be accompanied by counsel (see Rule 6(d) below)</p>	<p>01-CR-B Robert D. Evans, Director, American Bar Association 3/2/01</p>	<p>3/01 - Referred to chair and reporter 10/03 - Committee considered and declined to act COMPLETED</p>
<p>Rule 6 Allow sharing of grand jury information pertaining to foreign intelligence</p>	<p>USA Patriot Act of 2001 Pub. L 107-56 10/26/01</p>	<p>11/01 - Committee approved conforming amendments 1/02 - Standing Committee approved 3/02 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 6(a) Reduce number of grand jurors</p>	<p>H.R. 1536</p>	<p>5/97 - Congressman Goodlatte introduced H.R. 1536. Bill referred to CACM with input from the Committee 10/97 - Committee voted unanimously to oppose the bill 1/98 - Standing Committee voted to recommend that the Judicial Conference oppose the bill 3/98 - Judicial Conference adopted Standing Committee's recommendation COMPLETED</p>
<p>Rule 6(d) Interpreters allowed during grand jury</p>	<p>97-CR-B Department of Justice 1/22/97</p>	<p>1/97 - Sent directly to chair 4/97 - Committee approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved amendments 6/98 - Standing Committee approved 9/98 - Judicial Conference approved 4/99 - Supreme Court approved 12/01 - Effective COMPLETED</p>
<p>Rule 6(d) Allow counsel to accompany witness in grand jury proceeding</p>	<p>Omnibus Appropriations Act (Pub. Law No. 105-277)</p>	<p>10/98 - Committee appointed Subcommittee to consider legislation 1/99 - Standing Committee approved Subcommittee's recommendation not to allow representation 3/99 - Judicial Conference approves report for submission to Congress COMPLETED</p>
<p>Rule 6(e) Intra-Department of Justice use of grand jury materials</p>	<p>Department of Justice</p>	<p>4/92 - Committee did not approve for publication 10/94 - Committee considered further and declined to take action COMPLETED</p>
<p>Rule 6(e)(3)(C)(iv) Disclosure of grand jury materials to state officials</p>	<p>Department of Justice</p>	<p>4/96 - Committee resolved that current practice should be reaffirmed 10/99 - Committee approved for publication COMPLETED</p>

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Rule 6(e)(3)(C)(iv) Disclosure of grand jury materials to state attorney disciplinary agencies	Barry A. Miller, Esq. 12/93	10/94 - Committee considered and declined to take action COMPLETED
Rule 6(f) Return by foreperson rather than entire grand jury	97-CR-A Department of Justice 1/22/97	1/97 - Sent directly to chair 4/97 - Committee approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Standing Committee approved 9/98 - Judicial Conference approved 4/99 - Supreme Court approved. 12/01 - Effective COMPLETED
Rule 7 Update the rules related to forfeiture proceedings first promulgated in 2000	06-CR-C U.S. Department of Justice (Benton J. Campbell, Acting Counselor to the Assistant Attorney General) 1/3/06	1/06 - Referred to chair and reporter 4/06 - Committee considered and referred to subcommittee chaired by Judge Wolf 10/06 - Committee considered and deferred action 4/07 - Committee approved for publication 6/07 - Standing Committee approved for publication 8/07 - Published for public comment PENDING FURTHER ACTION
Rule 7(b) Effect of tardy indictment	00-CR-B Congressional constituent 3/21/00	5/00 - Referred to chair and reporter 10/03 - Committee considered and declined to act COMPLETED
Rule 7(c)(2) Reflect proposed new Criminal Rule 32.2 governing criminal forfeitures		4/97 - Committee approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Committee withdrew proposed amendment because Standing Committee rejected proposed Criminal Rule 32.2 10/98 - Committee revised proposed amendment 1/99 - Standing Committee approved 3/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 10 Arrestment of detainees via video teleconferencing. Defendant's presence is not required</p>	<p>Department of Justice 4/92</p>	<p>4/92 - Committee deferred for further action 10/92 - Subcommittee appointed 4/93 - Committee approved for publication 6/93 - Standing Committee approved for publication 9/93 - Published for public comment 4/94 - Committee deferred action deferred pending outcome of FJC pilot programs 10/94 - Committee considered 4/98 - Committee considered. Subcommittee appointed for further study 10/98 - Committee considered and directed reporter to redraft and submit at next meeting 4/99 - Committee considered 10/99 - Committee approved for publication 1/00 - Committee considered as part of style package 4/00 - Committee approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 10 Guilty plea at an arraignment</p>	<p>Judge B. Waugh Crigler 10/94</p>	<p>10/94 - Committee considered 10/03 - Committee considered and declined to act COMPLETED</p>
<p>Rule 10 Permit the waiver of arraignment</p>	<p>05-CR-C Judge James F. McClure, Jr. 12/14/04</p>	<p>12/04 - Received by Judge Bartle and referred to chair 4/05 - Committee considered 10/05 - Committee considered and decided to table proposal indefinitely COMPLETED</p>
<p>Rule 11 Amend rule to codify <i>Brady v. Maryland</i></p>	<p>American College of Trial Lawyers 10/14/03</p>	<p>10/03 - Referred to chair and reporter 10/03 - Subcommittee formed 5/04 - Committee considered and declined to adopt COMPLETED</p>
<p>Rule 11 Magistrate judges authorized to accept guilty pleas and inform accused of possible deportation</p>	<p>James Craven, Esq. 1991</p>	<p>4/92 - Committee declined to take action COMPLETED</p>
<p>Rule 11 Advise defendant of impact of negotiated factual stipulation</p>	<p>David Adair and Toby Slawsky Administrative Office 4/92</p>	<p>10/92 - Motion to amend withdrawn COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 11 Advise non-U.S. citizen defendant of potential collateral consequences when accepting guilty plea</p>	<p>01-CR-C Richard J. Douglas, Esq., Senate Committee on Foreign Relations 4/3/01</p> <p>Roger Pauley/Judge Paul L. Friedman 11/20/01; 4/1/03</p>	<p>4/01 - Referred to reporter and chair 4/03 - Committee considered and declined to take action COMPLETED</p>
<p>Rule 11 To expressly inquire prior to trial whether prosecution's proposed guilty plea agreement was communicated to defendant</p>	<p>02-CR-C Judge David D. Dowd, Jr. 5/20/02</p>	<p>6/02 - Referred to reporter and chair 10/03 - Committee considered and declined to act COMPLETED</p>
<p>Rule 11 To direct a random number of plea-bargained cases be tried</p>	<p>03-CR-C Carl E. Person, Esq. 4/1/03</p>	<p>4/03 - Referred to reporter and chair PENDING FURTHER ACTION</p>
<p>Rule 11 Pending legislation regarding victim allocation</p>	<p>1997-98</p>	<p>10/97 - Committee indicated that it was not opposed to addressing the legislation. Committee appointed Subcommittee to monitor/respond to the legislation COMPLETED</p>
<p>Rule 11(b)(1)(A) To clarify language regarding a court's admonition to the defendant</p>	<p>Judge D. Brock Hornby 11/21/02</p>	<p>11/02 - Referred to reporter and chair 4/03 - Committee considered and declined to take action COMPLETED</p>
<p>Rule 11(b)(2) Examine defendant's prior discussions with a government attorney</p>	<p>Judge Sidney Fitzwater 11/94 and 3/99</p>	<p>4/95 - Committee considered but no motion to amend COMPLETED 3/99 - Referred to chair and reporter 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 11(c) Advise defendant of any appeal waiver provision that may be contained in plea agreement</p>	<p>96-CR-A Judge Maryanne Trump Barry 7/19/96</p>	<p>10/96 - Committee considered 4/97 - Committee considered and approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Standing Committee approved 9/98 - Judicial Conference approved 4/99 - Supreme Court approved 12/99 - Effective COMPLETED</p>
<p>Rule 11(e) Judge, other than the judge assigned to hear case, may take part in plea discussions</p>	<p>Judge Jensen 4/95</p>	<p>10/95 - Committee considered 4/96 - Committee deferred action as moot, but directed Subcommittee to continue study on other Rule 11 issues 6/02 - Committee Note recognizes practice but expressly takes no position COMPLETED</p>
<p>Rule 11(e)(1) (A)(B) and (C) Sentencing Guidelines effect on particular plea agreements</p>	<p>Criminal Rules Committee 4/96</p>	<p>4/96 - Committee directed reporter to prepare proposed amendments 10/96 - Committee considered 4/97 - Committee approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Standing Committee approved 9/98 - Judicial Conference approved 4/99 - Supreme Court approved 12/99 - Effective COMPLETED</p>
<p>Rule 11(e)(4) Binding plea agreement (<u>Hyde</u> decision)</p>	<p>Judge George P. Kazen 2/96</p>	<p>4/96 - Committee considered 10/96 - Committee considered 4/97 - Committee deferred action until Supreme Court rules on issue COMPLETED</p>
<p>Rule 11(e)(6) Court required to inquire whether the defendant is entitled to an adjustment for acceptance of responsibility</p>	<p>98-CR-C Judge John W. Sedwick 10/98</p>	<p>10/98 - Referred to chair and reporter 6/99 - Committee considered and declined to take action COMPLETED</p>
<p>Rule 12 Rule inconsistent with Constitution</p>	<p>Paul Sauers 8/95</p>	<p>10/95 - Committee considered and declined to take action COMPLETED</p>
<p>Rule 12(b) Entrapment defense raised as pretrial motion</p>	<p>Judge Manuel L. Real and Local Rules Project 12/92</p>	<p>4/93 - Committee declined to take action 10/95 - Subcommittee appointed 4/96 - Committee declined to take action COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 12(b) Disallow challenges to the facial validity of an indictment or information during or after trial</p>	<p>06-CR-B U.S. Department of Justice (Benton J. Campbell, Acting Counselor to the Assistant Attorney General) 1/3/06</p>	<p>1/06 - Referred to chair and reporter 4/06 - Committee considered and deferred action 10/06 - Committee deferred action pending Supreme Court decision in <i>United States v. Resendiz-Ponce</i> 4/07 - Committee considered and deferred action 10/07 - Committee considered and appointed Subcommittee PENDING FURTHER ACTION</p>
<p>Rule 12(i) Production of statements</p>		<p>7/91 - Standing Committee approved for publication 8/91 - Published for public comment 4/92 - Committee considered 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED</p>
<p>Rule 12.2(c) Authority of trial judge to order mental examination.</p>	<p>Roger Pauley for Department of Justice 10/97</p>	<p>10/97 - Committee voted to consider draft amendment at next meeting. 4/98 - Committee deferred for further study of constitutional issues 10/98 - Committee considered. Directed further study 4/98 - Committee considered 10/99 - Committee considered 1/00 - Committee considered as part of style package 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Approved by Judicial Conference 4/02 - Approved by Supreme Court 12/02 - Effective COMPLETED</p>

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<p>Rule 12.2(d) Sanction for defendant's failure to disclose results of mental examination</p>	<p>Roger Pauley 7/5/01</p>	<p>4/02 - Committee considered 9/02 - Committee considered 4/03 - Committee considered and approved for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 5/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved 4/05 - Supreme Court approved 12/05 - Effective COMPLETED</p>
<p>Rule 12.4 Financial disclosure</p>	<p>Standing Committee 1/00</p>	<p>4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved with post-publication changes 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 16 Amend rule to codify <i>Brady v. Maryland</i></p>	<p>American College of Trial Lawyers 10/14/03</p>	<p>10/03 - Referred to chair and reporter 10/03 - Subcommittee formed 5/04 - Committee considered and subcommittee directed to review proposal from ACTL 10/04 - Committee considered subcommittee's status report 4/05 - Subcommittee recommended revised amendment. Committee approved revision in principle, but requested refinement 10/05 - Committee considered and approved in principle subcommittee's revised proposed amendment. Subcommittee to refine. 4/06 - DOJ announced related amendments to U.S. Attorneys' Manual (USAM). Committee deferred final vote on proposed amendment pending final revisions to USAM 9/06 - Committee convened special session to consider USAM amendment. Committee approved rule amendment for publication. 6/07 - Standing Committee declined to publish and referred to Committee for further study 10/07 - Committee discussed and asked FJC to conduct review and study issue further PENDING FURTHER ACTION</p>

Suggestion	Docket Number, Source, and Date	Status
Rule 16 Disclosure to defense of information relevant to sentencing	John Rabiej 8/93	10/93 - Committee declined to take action COMPLETED
Rule 16 Prado Report and allocation of discovery costs	Judicial Conference 1994 Report of the Judicial Conference	4/94 - Committee declined to take action COMPLETED
Rule 16 Prosecution to inform defense of intent to introduce extrinsic act evidence	Criminal Rules Committee 1994	10/94 - Committee declined to take action COMPLETED
Rule 16 Require government to produce to defendant, upon request, all documents and tangible objects material it intends to use at sentencing	05-CR-B James E. Felman, Esq. 2/1/05	2/05 - Received by chair 4/05 - Committee considered and declined to take action COMPLETED
Rule 16(a) Permit the same discovery of experts as is permitted under the civil rules	01-CR-D Carl E. Person, Esq. 6/01	6/01 - Referred to reporter and chair 4/02 - Committee declined to take action COMPLETED
Rule 16(a)(1) Disclosure of experts		7/91 - Standing Committee approved for publication 8/91 - Published for public comment 4/92 - Committee considered 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED
Rule 16(a)(1)(A) Disclosure of statements made by organizational defendants	American Bar Association	11/91 - Committee considered 4/92 - Committee considered 6/92 - Standing Committee approved for publication but deferred date of publication 12/92 - Published for public comment 4/93 - Committee approved 6/93 - Standing Committee approved 9/93 - Judicial Conference approved 4/94 - Supreme Court approved 12/94 - Effective COMPLETED
Rule 16(a)(1)(B)(ii) Clarify whether a law enforcement agent's notes of an interview with defendant must be produced under the rule	04-CR-A Judge Robert B. Collings 3/11/04	3/04 - Referred to reporter and chair 5/04 - Committee considered and declined to adopt COMPLETED
Rule 16(a)(1)(C) Government disclosure of materials implicating defendant	Professor Charles W. Ehrhardt and Judge O'Brien 6/92	10/92 - Committee declined to take action 4/93 - Committee reconsidered 4/94 - Committee considered but declined to take action COMPLETED

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 16(a)(1)(E) Require defense to disclose information concerning defense expert testimony</p>	<p>97-CR-C Jo Ann Harris, Assistant Attorney General, Criminal Division, Department of Justice 2/94</p>	<p>4/94 - Committee considered and approved for publication 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 4/95 - Committee approved 7/95 - Standing Committee approved 9/95 - Judicial Conference declined to take action 1/96 - Standing Committee considered 4/96 - Committee approved revised amendments 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective COMPLETED</p>
<p>Rule 16(a) and (b) Disclosure of witness names and statements before trial</p>	<p>99-CR-D William R. Wilson, Jr., Esq. 2/92 and 5/18/99</p>	<p>2/92 - Committee considered 10/92 - Committee considered 4/93 - Committee deferred action until 10/93 10/93 - Committee considered 4/94 - Committee considered and approved for amendment 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 4/95 - Committee considered and approved 7/95 - Standing Committee approved 9/95 - Judicial Conference declined to take action COMPLETED 5/99 - Referred to chair and reporter 10/03 - Committee considered and declined to act COMPLETED</p>
<p>Rule 16(d) Require parties to confer on discovery matters before filing a motion</p>	<p>Local Rules Project and Magistrate Judge Robert Collings 3/94</p>	<p>10/94 - Committee deferred consideration 10/95 - Subcommittee appointed 4/96 - Subcommittee recommended no action COMPLETED</p>
<p>Rule 23(a) Address the issue of when a jury trial is authorized</p>	<p>00-CR-D Jeremy A. Bell 11/00</p>	<p>11/00 - Referred to chair and reporter 10/03 - Committee considered and declined to act COMPLETED</p>
<p>Rule 23(b) Permits six-person juries in felony cases</p>	<p>S. 3 Introduced by Senator Orrin Hatch 1/97</p>	<p>1/97 - Introduced as § 502 of the Omnibus Crime Prevention Act of 1997 10/97 - Committee voted to oppose the bill 1/98 - Standing Committee expressed grave concern about any such legislation. COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 24(a) Attorney conducted voir dire of prospective jurors</p>	<p>Judge William R. Wilson, Jr. 5/94</p>	<p>10/94 - Committee considered 4/95 - Committee considered and approved for publication 6/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee declined to take action. Committee directed that the matter be studied further. FJC to pursue educational programs COMPLETED</p>
<p>Rule 24(b) Reduce or equalize peremptory challenges in an effort to reduce court costs</p>	<p>97-CR-E Judge Acker S. 3</p>	<p>2/91 - Standing Committee, after publication and comment, declined to adopt Committee's 1990 proposal 4/93 - Committee considered and declined to take action 1/97 - Omnibus Crime Control Act of 1997 (S.3) introduced [Section 501] 6/97 - Chair Stotler sent letter to Chairman Hatch COMPLETED 10/97 - Committee declined to take action on proposal to randomly select petit and venire juries and abolish peremptory challenges. Committee directed reporter to prepare draft amendment equalizing peremptory challenges at 10 per side. 4/98 - Committee approved and included in style package 10/99 - Committee removed from style package COMPLETED</p>
<p>Rule 24(c) Alternate jurors to be retained in deliberations</p>	<p>96-CR-C Judge Bruce M. Selya 8/96</p>	<p>10/96 - Committee considered and approved concept. Committee directed reporter to draft proposed amendments 4/97 - Committee approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Standing Committee approved 9/98 - Judicial Conference approved 4/99 - Supreme Court approved 12/99 - Effective COMPLETED</p>
<p>Rule 26 Questioning by jurors</p>	<p>Professor Stephen Saltzburg</p>	<p>4/93 - Committee considered and deferred until 4/94 4/94 - Committee considered and declined to take action COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 26 Expanding oral testimony, including video transmission</p>	<p>Judge Alice Marie Stotler 10/96</p>	<p>10/96 - Committee considered 4/97 - Subcommittee appointed 10/97 - Subcommittee recommended amending the rule 4/98 - Committee deferred for further study 10/98 - Committee approved but deferred request to publish until spring meeting or included in style package 4/99 - Committee considered 10/99 - Committee approved for publication 1/00 - Committee considered as part of style package 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court declined to adopt COMPLETED</p>
<p>Rule 26 Court advise defendant of right to testify</p>	<p>Robert Potter</p>	<p>4/95 - Committee declined to take action COMPLETED</p>
<p>Rule 26.2 Production of statements for proceedings under Criminal Rules 32(e), 32.1(c), and 46(i), and Rule 8 of the 28 U.S.C. § 2255 Rules</p>		<p>7/91 - Standing Committee approved for publication 8/91 - Published for public comment 4/92 - Committee approved 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED</p>
<p>Rule 26.2 Production of a witness's statement regarding preliminary examinations conducted under Criminal Rule 5.1</p>	<p>Michael R. Levine, Assistant Federal Public Defender 3/95</p>	<p>10/95 - Committee considered 4/96 - Committee approved for publication 6/96 - Standing Committee approved for publication 8/96 - Published for public comment 4/97 - Committee approved 6/97 - Standing Committee approved 9/97 - Judicial Conference approved 4/98 - Supreme Court approved 12/98 - Effective COMPLETED</p>
<p>Rule 26.2(f) Definition of Statement</p>	<p>Criminal Rules Committee 4/95</p>	<p>4/95 - Committee considered 10/95 - Committee considered and declined to take action COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 26.3 Proceedings for a mistrial</p>		<p>7/91 - Standing Committee approved for publication 8/91 - Published for public comment 4/92 - Committee considered 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED</p>
<p>Rule 29 Preserve the government's right to appeal a trial court's decision to grant a motion for judgment of acquittal</p>	<p>Department of Justice 3/31/03</p>	<p>3/03 - Sent directly to chair and reporter 4/03 - Committee considered and deferred action pending research by FJC 10/03 - Committee considered and approved in principle for publication 5/04 - Committee considered and declined to adopt. 1/05 - Standing Committee directed Committee to: (1) draft amendment addressing DOJ's concerns and (2) recommend whether to publish proposed amendment for comment. 4/05 - Committee considered and referred to subcommittee. 10/05 - Committee considered subcommittee's recommendation. Subcommittee to revise proposal in light of discussion. 4/06 - Committee approved for publication. 6/06 - Standing Committee approved for publication. 8/06 - Published for comment. 4/07 - Committee recommended against adopting published amendment and decided to table proposal indefinitely COMPLETED</p>
<p>Rule 29 Extension of time for filing motion</p>	<p>02-CR-B Judge Paul L. Friedman 3/02</p>	<p>4/02 - Sent directly to chair and reporter 4/02 - Committee considered 9/02 - Committee deferred consideration until 4/03 meeting 4/03 - Committee approved, with amendments, for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 5/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved 4/05 - Supreme Court approved 12/05 - Effective COMPLETED</p>

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<p>Rule 29(b) Defer ruling on motion for judgment of acquittal until after verdict</p>	<p>Department of Justice 6/91</p>	<p>11/91 - Committee considered 4/92 - Committee approved for publication 6/92 - Standing Committee approved for publication but deferred publication pending action by RCSO 12/92 - Published for public comment on expedited basis 4/93 - Committee considered and approved 6/93 - Standing Committee approved 9/93 - Judicial Conference approved 4/94 - Supreme Court approved 12/94 - Effective COMPLETED</p>
<p>Rule 30 Permit or require parties to submit proposed jury instructions before trial</p>	<p>Local Rules Project</p>	<p>10/95 - Subcommittee appointed 4/96 - Subcommittee declined to make recommendation COMPLETED</p>
<p>Rule 30 Discretion in submitting instructions to the jury</p>	<p>97-CR-A Judge Alice Marie Stotler 1/15/97</p>	<p>1/97 - Sent directly to chair and reporter 4/97 - Committee approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee deferred consideration pending further study 10/98 - Committee considered but deferred action pending Civil Rules Committee's action on Civil Rule 51 1/00 - Committee considered as part of style package 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 31 Require less than unanimous verdicts</p>	<p>04-CR-B Judge James T. Trimble, Jr. 4/1/04</p>	<p>4/04 - Referred to reporter and chair 5/04 - Committee considered and declined to adopt COMPLETED</p>
<p>Rule 31 Provide for a 5/6 vote on a jury verdict</p>	<p>Senator Strom Thurmond S. 1426 11/95</p>	<p>4/96 - Committee considered and resolved that the federal rulemaking process should address issue COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 31(d) Individual polling of jurors</p>	<p>Judge Brooks Smith</p>	<p>10/95 - Committee considered 4/96 - Committee considered and approved for publication 6/96 - Standing Committee approved for publication 8/96 - Published for public comment 4/97 - Committee approved 6/97 - Standing Committee approved 9/97 - Judicial Conference approved 4/98 - Supreme Court approved 12/98 - Effective COMPLETED</p>
<p>Rule 31(e) Abrogated due to new Criminal Rule 32.2 governing criminal forfeitures</p>		<p>4/97 - Committee considered and approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Committee withdrew because Standing Committee declined to adopt Criminal Rule 32.2 10/98 - Committee approved revised amendments 1/99 - Standing Committee approved 3/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p>
<p>Rule 32 Require the sentencing judge to determine the accuracy of contested information by a preponderance of the evidence</p>	<p>03-CR-E Judge Gregory W. Carman 10/10/03</p>	<p>10/03 - Referred to chair and reporter 5/04 - Committee considered and declined to adopt COMPLETED</p>
<p>Rule 32 Victim allocution at sentencing</p>	<p>Judge Hodges Prior to 4/92 Pending legislation reactivated issue in 1997/98.</p>	<p>10/92 - Standing Committee approved for publication 12/92 - Published for public comment 4/93 - Committee considered 6/93 - Standing Committee approved 9/93 - Judicial Conference approved 4/94 - Supreme Court approved 12/94 - Effective COMPLETED 10/97 - Committee indicated that it was not opposed to addressing the legislation. Committee resolved to maintain Subcommittee to monitor/respond to the legislation. COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
Rule 32 Findings on controverted matters in pre-sentence report		3/00 - Subcommittee considered as part of style package 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee withdrew proposal COMPLETED
Rule 32 Release of pre-sentence and related reports	Criminal Law Committee	10/98 - Committee considered Subcommittee's recommendations and agreed that no amendments are necessary COMPLETED
Rule 32 Require a party providing information to the court regarding a sentencing proceeding to provide that information to the other party	05-CR-B James E. Felman, Esq. 2/1/05	2/05 - Received by chair 4/05 - Committee considered and deferred action PENDING FURTHER ACTION
Rule 32(c)(3)(E) Provide for victim allocution in all felony cases	Professor Jayne Barnard	8/02 - Referred to chair and reporter 9/02 - Committee considered 4/03 - Committee approved, with amendments, for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 5/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved [Judicial Conference later withdrew in light of enactment of Justice for All Act of 2004] COMPLETED
Rule 32(c)(5) Clerk required to file notice of appeal	00-CR-A Gino J. Agnello Clerk of Court, 7 th Circuit 4/11/00	3/00 - Sent directly to chair 5/00 - Referred to reporter 10/03 - Committee considered and declined to act; referred matter to the Advisory Committee on Appellate Rules COMPLETED
Rule 32(d)(1) Finality of sentence imposing order of restitution	Judge D. Brock Hornby 3/11/02	3/02 - Sent to chair and reporter 4/02 - Committee considered and declined to take action COMPLETED

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 32(d)(2) Forfeiture proceedings and procedures reflect proposed new Criminal Rule 32.2 governing criminal forfeitures</p>	<p>Roger Pauley Department of Justice 10/93</p>	<p>4/94 - Committee considered and approved for publication 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 4/95 - Committee approved revised amendments 6/95 - Standing Committee approved 9/95 - Judicial Conference approved 4/96 - Supreme Court approved 12/96 - Effective COMPLETED 4/97 - Committee approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Committee withdrew because Standing Committee declined to adopt Criminal Rule 32.2 10/98 - Committee approved revised amendments 1/99 - Standing Committee approved 3/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p>
<p>Rule 32(e) Delete provision addressing probation and production of statements (later renumbered as Criminal Rule 32(c)(2))</p>	<p>Department of Justice</p>	<p>7/91 - Standing Committee approved for publication 4/92 - Committee approved 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED</p>
<p>Rule 32(h) To reconsider proposed amendment requiring courts to give reasonable notice of a sentence outside the guideline range</p>	<p>06-CR-H Federal Defender Sentencing Guideline Committee (John M. Sands, Chair) 10/23/06</p>	<p>10/06 - Referred to chair and reporter; Committee considered and referred to subcommittee for further study 4/07 - Committee deferred action 10/07 - Committee considered and appointed Subcommittee PENDING FURTHER ACTION</p>
<p>Rule 32.1 Production of statements</p>		<p>7/91 - Standing Committee approved for publication 4/92 - Committee considered and approved 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 32.1 Technical correction of “magistrate” to “magistrate judge”</p>	<p>John Rabiej 2/6/98</p>	<p>2/98 - Sent directly to chair and reporter 4/98 - Committee approved but deferred until style project completed 1/00 - Committee considered as part of style package 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 32.1 Pending victims rights/allocation litigation</p>	<p>Pending litigation 1997/98</p>	<p>10/97 - Committee indicated that it did not take a position on the litigation and resolved to maintain Subcommittee to monitor litigation 10/03 - Committee considered and declined to act COMPLETED</p>
<p>Rule 32.1 Right of allocation before sentencing at revocation hearing</p>	<p>02-CR-D U.S. v. Frazier 2/25/02</p>	<p>3/02 - Referred to chair and reporter 4/02 - Committee considered 9/02 - Committee considered 4/03 - Committee approved, with amendments, for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 5/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved 4/05 - Supreme Court approved 12/05 - Effective COMPLETED</p>
<p>Rule 32.1 Procedural guidance for issuance of an arrest warrant for alleged violations of supervised release conditions</p>	<p>06-CR-F Judge Anthony J. Battaglia 8/14/06</p>	<p>8/06 - Referred to chair and reporter 10/06 - Committee considered and deferred action pending further study 4/07 - Committee deferred action 10/07 - Committee approved for publication PENDING FURTHER ACTION</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 32.1(a)(5)(B)(i) Eliminate requirement that the government produce <i>certified</i> copies of the judgment, warrant, and warrant application</p>	<p>03-CR-B Judge Wm. F. Sanderson, Jr. 2/24/03</p>	<p>3/03 - Referred to reporter and chair 4/03 - Committee considered 10/03 - Committee considered and subcommittee formed 5/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment 4/05 - Advisory Committee approved 6/05 - Standing Committee approved 9/05 - Judicial Conference approved 4/06 - Supreme Court approved 12/06 - Effective COMPLETED</p>
<p>Rule 32.1(a)(6) To clarify the defendant's evidentiary burden and invoke 18 U.S.C. §3143(a)(1) rather than all of §3143(a)</p>	<p>07-CR-A Judge Robert B. Collings 4/17/07</p>	<p>4/07 - Referred to chair and reporter 10/07 - Committee considered and appointed Subcommittee PENDING FURTHER ACTION</p>
<p>Rule 32.2 Create forfeiture procedures</p>	<p>96-CR-D John C. Keeney, Department of Justice 3/96</p>	<p>10/96 - Committee considered 4/97 - Committee considered and approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Standing Committee did not approve 10/98 - Committee approved revised amendments 1/99 - Standing Committee approved 3/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p>
<p>Rule 32.2 Update the rules related to forfeiture proceedings first promulgated in 2000</p>	<p>06-CR-C U.S. Department of Justice (Benton J. Campbell, Acting Counselor to the Assistant Attorney General) 1/3/06</p>	<p>1/06 - Referred to chair and reporter 4/06 - Committee considered and referred to subcommittee chaired by Judge Wolf 10/06 - Committee considered and deferred action 4/07 - Committee approved for publication 6/07 - Standing Committee approved for publication 8/07 - Published for public comment PENDING FURTHER ACTION</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 33 Extension of time to file motion for new trial</p>	<p>02-CR-B Judge Paul L. Friedman 3/02</p>	<p>4/02 - Sent directly to chair and reporter 4/02 - Committee considered 9/02 - Committee deferred consideration until 4/03 meeting 4/03 - Committee approved, with amendments, for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 5/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved 4/05 - Supreme Court approved 12/05 - Effective COMPLETED</p>
<p>Rule 33 Time to file motion for new trial on ground of newly discovered evidence</p>	<p>John C. Keeney, Department of Justice 9/95</p>	<p>10/95 - Committee considered 4/96 - Committee considered and approved for publication 6/96 - Standing Committee approved for publication 8/96 - Published for public comment 4/97 - Committee approved 6/97 - Standing Committee approved 9/97 - Judicial Conference approved 4/98 - Supreme Court approved 12/98 - Effective COMPLETED</p>
<p>Rule 34 Extension of time to file motion</p>	<p>02-CR-B Judge Paul L. Friedman 3/02</p>	<p>4/02 - Sent directly to chair and reporter 4/02 - Committee considered 9/02 - Committee deferred consideration until 4/03 meeting 4/03 - Committee approved, with amendments, for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 5/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved 4/05 - Supreme Court approved 12/05 - Effective COMPLETED</p>
<p>Rule 35 Allow defendants to move for reduction of sentence</p>	<p>01-CR-B Robert D. Evans, American Bar Association 3/2/01</p>	<p>3/01 - Referred to chair and reporter 10/03 - Committee considered and declined to act COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 35(b) Recognize combined pre-sentencing and post-sentencing assistance</p>	<p>Judge T. S. Ellis, III 7/95</p>	<p>10/95 - Committee considered 4/96 - Committee considered and approved for publication 6/96 - Standing Committee approved for publication 8/96 - Published for public comment 4/97 - Committee approved 6/97 - Standing Committee approved 9/97 - Judicial Conference approved 4/98 - Supreme Court approved 12/98 - Effective COMPLETED</p>
<p>Rule 35(b) To permit sentence reduction when defendant assists government before or within 1 year after sentence</p>	<p>99-CR-A Judge Edward Carnes 3/99 99-CR-C Department of Justice 4/99</p>	<p>3/99 - Referred to chair and reporter 1/00 - Committee considered as part of style package 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved revised amendments 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 35(b) Recognize assistance in any offense</p>	<p>S.3 Senator Orrin Hatch 1/97</p>	<p>1/97 - Introduced as § 602 and 821 of the Omnibus Crime Prevention Act of 1997 6/97 - Judge Stotler sent letter to Chairman Hatch COMPLETED</p>
<p>Rule 35(c) Correction of sentence, timing</p>	<p>Judge Jensen 1994</p>	<p>10/94 - Committee considered 4/95 - Committee deferred consideration pending restyle of Criminal Rules 4/99 - Committee considered 4/00 - Committee considered; Committee approved style package for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 38(e) Conforming amendment prompted by Criminal Rule 32.2</p>		<p>4/97 - Committee considered and approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Committee withdrew because Standing Committee did not approve amendments to Criminal Rule 32.2 10/98 - Committee approved revised amendments 1/99 - Standing Committee approved 3/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p>
<p>Rule 40 Commitment to another district (warrant may be produced by facsimile)</p>		<p>7/91 - Standing Committee approved for publication 8/91 - Published for public comment 4/92 - Committee considered and approved 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED</p>
<p>Rule 40 Treat facsimile copies as certified</p>	Magistrate Judge Wade Hampton 2/93	<p>10/93 - Committee declined to take action COMPLETED</p>
<p>Rule 40(a) Authorize magistrate judge to set new conditions of release</p>	03-CR-A Magistrate Judge Robert B. Collings 1/03	<p>1/03 - Referred to chair and reporter 10/03 - Committee considered and subcommittee formed 5/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment 4/05 - Advisory Committee approved 6/05 - Standing Committee approved 9/05 - Judicial Conference approved 4/06 - Supreme Court approved 12/06 - Effective COMPLETED</p>
<p>Rule 40(a) Technical amendment conforming with change to Criminal Rule 5</p>	Criminal Rules Committee 4/94	<p>4/94 - Committee considered and approved. No publication necessary because changes are technical 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
Rule 40(a) Proximity of nearest judge for removal proceedings	Magistrate Judge Robert B. Collings 3/94	10/94 - Committee considered and deferred further discussion until 4/95 10/96 - Committee considered and declined to take action COMPLETED
Rule 40(d) Conditional release of probationer; magistrate judge to set terms of release of probationer or supervised release	Magistrate Judge Robert B. Collings 11/92	10/92 - Committee considered and approved for publication 4/93 - Committee considered and approved 6/93 - Standing Committee approved 9/93 - Judicial Conference approved 4/94 - Supreme Court approved 12/94 - Effective COMPLETED
Rule 41 Additional amendment to align it with the changes made to § 2703(a) by the U.S. Patriot Act	03-CR-D Magistrate Judge B. Janice Ellington 7/03	7/03 - Referred to chair and reporter 10/03 - Committee considered and declined to act COMPLETED
Rule 41 Search and seizure warrant issued on information sent by facsimile		7/91 - Standing Committee approved for publication 8/91 - Published for public comment 4/92 - Committee considered and approved 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED
Rule 41 Warrant issued by authority within the district	J.C. Whitaker 3/93	10/93 - Committee declined to take action COMPLETED
Rule 41 Allow magistrate judge to issue nationwide search warrant	USA Patriot Act of 2001 P.L. 107-56 10/26/01	11/01 - Committee approved conforming amendments 1/02 - Standing Committee approved 3/02 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED
Rule 41(b) Permit magistrates to issue warrants for property within the jurisdiction of the U.S., but outside of any judicial district	06-CR-D U.S. Department of Justice (Benton J. Campbell, Acting Counselor to the Assistant Attorney General) 1/3/06	1/06 - Referred to chair and reporter 4/06 - Committee considered and approved for publication 6/06 - Standing Committee approved, with modification, for publication 4/07 - Committee approved 6/07 - Standing Committee approved 9/07 - Judicial Conference approved PENDING FURTHER ACTION

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 41(b)(1) To authorize a High Court Justice in American Samoa to issue a warrant if no U.S. magistrate judge is available</p>	<p>06-CR-G Ninth Circuit Judicial Council Pacific Islands Committee (Sally H. Pym) 9/19/06</p>	<p>9/06 - Referred to chair and reporter 10/06 - Committee deferred action pending report of subcommittee chaired by Judge Battaglia 4/07 - Committee considered and declined to take action in light of its approval of 06-CR-D COMPLETED</p>
<p>Rule 41(c)(1) To provide that the warrant designate which court the court is to be made</p>	<p>02-CR-A Judge D. Brock Hornby 11/28/01</p>	<p>2/02 - Referred to chair, reporter, chair, Rule 41 Subcommittee 4/02 - Committee considered and declined to take action COMPLETED</p>
<p>Rule 41(c)(2)(D) Recording of oral search warrant</p>	<p>Judge Dowd 2/98</p>	<p>4/98 - Committee deferred until study reveals need for change 10/03 - Committee considered and declined to act COMPLETED</p>
<p>Rule 41(d) Enlarge time period to serve search warrant and modify how search is conducted</p>	<p>98-CR-D Judge B. Waugh Crigler 11/98</p>	<p>6/00 - Standing Committee approved for publication 8/00 - Published for public comment (rejects expansion of time period) 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 41(d) Permit covert entry for purposes of observation only</p>	<p>Department of Justice 9/2/99</p>	<p>10/99 - Committee considered 1/00 - Committee considered as part of style package 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee deferred further action 4/02 - Committee considered and declined to take action (Rule 41 Subcommittee had recommended that the issue be left to developing case law) COMPLETED</p>
<p>Rule 42(b) Clarify magistrate judge's contempt power</p>	<p>00-CR-E Magistrate Judge Tommy Miller 12/00</p>	<p>4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 43(a) Defendant may waive arraignment on subsequent, superseding indictments and enter plea of not guilty in writing</p>	<p>97-CR-I Judge Joseph G. Scoville 10/16/97</p>	<p>10/97 - Referred to chair and reporter 4/98 - Committee considered. Subcommittee appointed 10/98 - Committee considered 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 43(b) Sentence absent defendant</p>	<p>Department of Justice 4/92</p>	<p>10/92 - Subcommittee appointed 4/93 - Committee considered and approved for publication 6/93 - Standing Committee approved for publication 9/93 - Published for public comment 4/94 - Committee approved revised amendment (deleted video teleconferencing provision) 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED</p>
<p>Rule 43(b) Arraignment of detainees by video teleconferencing</p>		<p>10/98 - Subcommittee appointed 4/99 - Committee considered 1/00 - Committee considered as part of style package 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 43(c)(4) Defendant need not be present to reduce or change a sentence</p>	<p>John Keeney, Department of Justice 1/96</p>	<p>4/96 - Committee considered and approved for publication 6/96 - Standing Committee approved for publication 8/96 - Published for public comment 4/97 - Committee approved 6/97 - Standing Committee approved 9/97 - Judicial Conference approved 4/98 - Supreme Court approved 12/98 - Effective COMPLETED</p>
<p>Rule 46 Production of statements in release from custody proceedings</p>		<p>6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective COMPLETED</p>
<p>Rule 46 Requirement in Appellate Rule 9(a) that court state reasons for releasing or detaining defendant in a criminal case</p>	<p>Judge Alice Marie Stotler 11/95</p>	<p>4/96 - Committee declined to take action COMPLETED</p>
<p>Rule 46 Procedural guidance for issuance of an arrest warrant for alleged violations of supervised release conditions</p>	<p>06-CR-F Judge Anthony J. Battaglia 8/14/06</p>	<p>8/06 - Referred to chair and reporter 10/06 - Committee considered and deferred action pending further study 4/07 - Committee deferred action 10/07 - Committee approved for publication PENDING FURTHER ACTION</p>
<p>Rule 46(d) Release of persons after arrest for violation of probation or supervised release</p>	<p>Magistrate Judge Robert Collings 3/94</p>	<p>10/94 - Committee deferred consideration under further amendment or restyle 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p>
<p>Rule 46 (e) Forfeiture of bond</p>	<p>H.R. 2134</p>	<p>4/98 - Opposed amendment COMPLETED</p>
<p>Rule 46(i) Typographical error in rule in cross-citation</p>	<p>Judge Jensen</p>	<p>7/91 - Standing Committee approved for publication 8/91 - Published for public comment 4/94 - Committee considered 9/94 - Judicial Conference took no action because Congress corrected error COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Rule 47 Require parties to confer or attempt to confer before any motion is filed</p>	Local Rules Project	10/95 - Subcommittee appointed 4/96 - Subcommittee recommended that no action be taken COMPLETED
<p>Rule 49 Double-sided paper</p>	Environmental Defense Fund 12/91	4/92 - Chair informed EDF that matter is being considered by other Judicial Conference committees COMPLETED
<p>Rule 49(c) Fax noticing to produce substantial cost savings while increasing efficiency and productivity</p>	97-CR-G Michael E. Kunz, Clerk of Court 9/10/97	9/97 - Referred to chair and reporter 4/98 - Referred to Technology Subcommittee 4/99 - Committee considered and approved for publication 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED
<p>Rule 49(c) Facsimile service of notice to counsel</p>	97-CR-J William S. Brownell 10/20/97	11/97 - Referred to chair and reporter. Awaiting study from Technology Subcommittee 4/99 - Committee considered 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED
<p>Rule 49(e) Delete provision pertaining to filing notice of dangerous offender status (conforming amendment)</p>	Professor David Schlueter 4/94	4/94 - Committee considered and approved 6/94 - Standing Committee approved without publication 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED

Suggestion	Docket Number, Source, and Date	Status
Rule 53 Cameras in the courtroom		7/93 - Standing Committee approved for publication 10/93 - Published for public comment 4/94 - Committee considered and approved 6/94 - Standing Committee approved 9/94 - Judicial Conference declined to adopt 10/94 - Guidelines discussed by Committee COMPLETED
Rule 54 Delete Canal Zone	Roger Pauley 4/97	4/97 - Committee considered and approved for publication 6/97 - Standing Committee approved for publication 8/97 - Published for public comment 4/98 - Committee approved 6/98 - Standing Committee approved 9/98 - Judicial Conference approved 4/99 - Supreme Court approved 12/99 - Effective COMPLETED
Rule 57 Technical and conforming amendments	Standing Committee Meeting 1/92	4/92 - Committee approved for publication 6/93 - Standing Committee approved for publication 9/93 - Published for public comment 4/94 - Committee approved 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED
Rule 57 Uniform effective date for local rules	Standing Committee Meeting 12/97	4/98 - Committee considered and deferred action COMPLETED
Rule 58 Clarify whether forfeiture of collateral amounts to a conviction	Magistrate Judge David G. Lowe 1/95	4/95 - Committee declined to take action COMPLETED
Rule 58 Magistrate judge petty offenses jurisdiction	00-CR-E Magistrate Judge Tommy E. Miller 12/00	12/00 - Referred to chair and reporter 4/01 - Committee considered and approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED
Rule 58 (b)(2) Consent in magistrate judge trials	96- CR-B Judge Philip Pro 10/24/96	1/97 - Committee and Standing Committee approved without publication. Conforming amendments prompted by the Federal Courts Improvement Act 4/97 - Supreme Court approved 12/97 - Effective COMPLETED

Suggestion	Docket Number, Source, and Date	Status
<p>New Rule 59 To provide counterpart to Civil Rule 72</p>	<p>U.S. v. Abonce-Barerra 7/20/01</p>	<p>4/02 - Committee considered 9/02 - Committee approved proposed amendment in principle 4/03 - Committee considered draft proposal and approved, with amendments, for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 5/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved 4/05 - Supreme Court approved 12/05 - Effective COMPLETED</p>
<p>Rule 59 Authorize Judicial Conference to correct technical errors with no need for Supreme Court and Congressional action</p>	<p>Report from Standing Committee's Subcommittee on Style</p>	<p>4/92 - Committee considered and approved for publication 6/93 - Standing Committee approved for publication 10/93 - Published for public comment 4/94 - Committee approved 6/94 - Standing Committee declined to adopt COMPLETED</p>
SUBJECT MATTER		
<p>28 U.S.C. § 2254 Rule 9(a) Revise rule so that it refers to a <i>claim</i> and not to the <i>petition</i>. See <i>Walker v. Crosby</i>, 341 F.3d 1240 (11th Cir. 2003)</p>	<p>03-CR-F Steven W. Allen 11/5/03</p>	<p>11/03 - Referred to chair and reporter PENDING FURTHER ACTION</p>
<p>Antiterrorism and Effective Death Penalty Act of 1996 Amend Criminal Rules and Rules Governing §§ 2254 and 2255 Proceedings that are inconsistent with the collateral review provisions in the Act</p>	<p>06-CR-A U.S. Department of Justice (Benton J. Campbell, Acting Counselor to the Assistant Attorney General) 1/3/06</p>	<p>1/06 - Referred to chair and reporter 4/06 - Committee considered and deferred action. Subcommittee appointed to consider proposal 10/06 - Committee considered and deferred action pending follow-up by subcommittee chaired by Prof. Nancy King 4/07 - Committee approved proposed § 2254/ §2255 Rule 11 amendment for publication, but rejected proposed Rule 37 amendment 6/07 - Standing Committee approved § 2254/ §2255 Rule 11 amendment for publication 8/07 - § 2254 Rules 11 and 12 and § 2255 Rule 11 published for public comment 10/07 - Committee considered and appointed Subcommittee PENDING FURTHER ACTION</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Crime Victims' Rights Act Proposing 25 changes throughout the rules, including two new rules</p>	<p>05-CR-D Judge Paul G. Cassell 3/2/05</p>	<p>3/05 - Received by chair 4/05 - Committee received 4/05 - Subcommittee on Victims Rights' Act appointment 10/05 - Committee approved subcommittee's recommendations and approved in principle for publication proposed amendments to Criminal Rules 1, 12.1, 17, 32, and new rule 43.1 1/06 - Standing Committee approved for publication 4/06 - Committee considered comments and withdrew proposal to amend R 32(k) in light of <i>USA Patriot Improvement and Reauthorization Act of 2005</i> 1/07 - Public hearing held in Washington, DC 4/07 - Committee revised in light of public comments and sent to Standing Committee 6/07 - Standing Committee approved 9/07 - Judicial Conference approved PENDING FURTHER ACTION 10/07 - Committee approved 2nd set of amendments</p>
<p>Electronic Filing Mandatory electronic filing should be encouraged to the fullest extent possible</p>	<p>04-CR-C Judge John W. Lungstrum 8/2/04</p>	<p>8/04 - Referred to reporter and chair 10/04 - Committee considered and declined to recommend specific rule amendment (Criminal Rules incorporate filing provisions of Civil Rules) COMPLETED</p>
<p>E-Processing of Orders and Warrants To permit judges to receive and grant applications for orders and warrants, (e.g., arrest warrants, pen registers and trap and trace orders) by telephone or other reliable electronic means</p>	<p>07-CR-B Judge Steven M. Gold 10/1/07</p>	<p>10/07 - Referred to chair and reporter PENDING FURTHER ACTION</p>
<p>Gonzalez v. Crosby 125 S. Ct. 2641 (2005) Discuss impact of increase in prisoner petitions</p>	<p>05-CR-F Judge Michael M. Baylson 11/2/05</p>	<p>11/05 - Received by Civil Rules chair and forwarded to Criminal Rules chair and reporter PENDING FURTHER ACTION</p>

Suggestion	Docket Number, Source, and Date	Status
<p>Habeas Corpus Rule 8(c) Correct apparent mistakes in Rules Governing Section 2254 Cases and Section 2255 Proceedings</p>	<p>97-CR-F Judge Peter Dorsey 7/9/97</p>	<p>8/97 - Referred to chair and reporter 10/97 - Referred to Subcommittee 4/98 - Committee considered 10/98 - Committee considered 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee deferred pending further study 4/02 - Committee considered and approved for publication 6/02 - Standing Committee approved for publication 8/02 - Published for public comment 4/03 - Committee considered and approved, with amendments 6/03 - Standing Committee approved 9/03 - Judicial Conference approved 4/04 - Supreme Court approved 12/04 - Effective COMPLETED</p>
<p>Megatrials Address issue</p>	<p>American Bar Association</p>	<p>11/91 - Referred to chair and reporter 1/92 - Standing Committee declined to take action COMPLETED</p>
<p>Model form for motions under 28 U.S.C. § 2255</p>	<p>00-CR-C Robert L. Byer, Esq. and David R. Fine, Esq. 8/11/00</p>	<p>8/00 - Referred to chair and reporter 4/02 - Committee approved 6/02 - Standing Committee approved for publication 8/02 - Published for public comment 4/03 - Committee considered and approved, with amendments 6/03 - Standing Committee approved 9/03 - Judicial Conference approved 4/04 - Supreme Court approved 12/04 - Effective COMPLETED</p>

Suggestion	Docket Number, Source, and Date	Status
Restyle Criminal Rules		10/95 - Committee considered 4/96 - Committee deferred action pending restyled Appellate Rules published for public comment 4/98 - Style Subcommittee announced completion of first draft by the end of the year 12/98 - Style Subcommittee completed draft 4/99 - Committee considered Rules 1-9 6/99 - Committee considered Rules 1-22 4/00 - Committee approved Rules 32-60 and requested permission to publish Rules 1-60 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved revised amendments 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED
Restyle Habeas Corpus Rules		10/00 - Committee considered 1/01 - Standing Committee authorizes restyle project to proceed 4/02 - Committee approved for publication 6/02 - Standing Committee approved for publication 8/02 - Published for public comment 4/03 - Committee considered and approved, with amendments 6/03 - Standing Committee approved 9/03 - Judicial Conference approved 4/04 - Supreme Court approved 12/04 - Effective COMPLETED
Sealed Case Docketing Guidelines Provide guidelines for docketing sealed cases	06-CR-E Judge Joel M. Flaum 6/13/06	6/06 - Referred to chair and reporter 10/06 - Judge Levi referred matter to CACM COMPLETED
U.S. Attorneys admitted to practice in Federal courts	Department of Justice 11/92	4/93 - Committee considered and declined to take action COMPLETED