

## FEDERAL RULES OF CRIMINAL PROCEDURE

### X. GENERAL PROVISIONS

#### **Rule 54. Application and Exception.**

(a) **Courts.** These rules apply to all criminal proceedings in the United States District Courts; in the District of Guam; in the District Court for the Northern Mariana Islands, except as otherwise provided in articles IV and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263); in the District Court of the Virgin Islands; and (except as otherwise provided in the Canal Zone) in the United States District Court for the District of the Canal Zone; in the United States Courts of Appeals; and in the Supreme Court of the United States; except that the prosecution of offenses in the District Court of the Virgin Islands shall be by indictment or information as otherwise provided by law.

(b) **Proceedings.**

(1) **Removed proceedings.** These rules apply to criminal prosecutions removed to the United States district courts from state courts and govern all procedure after removal, except that dismissal by the attorney for the prosecution shall be governed by state law.

(2) **Offenses outside a district or state.** These rules apply to proceedings for offenses committed upon the high seas or elsewhere out of the jurisdiction of any particular state or district, except that such proceedings may be had in any district authorized by 18 USC § 3238.

(3) **Peace bonds.** These rules do not alter the power of judges of the United States or of United States magistrate judges to hold to security of the peace and for good behavior under Revised Statutes, § 4069, 50 U.S.C. § 23, but in such cases the procedure shall conform to these rules so far as they are applicable.

(4) **Proceedings before United States magistrate judges.** Proceedings involving misdemeanors and other petty offenses are governed by Rule 58.

(5) **Other proceedings.** These rules are not applicable to extradition and rendition of fugitives; civil forfeiture of property for violation of a statute of the United States; or the collection of fines and penalties. Except as provided in Rule 20(d) they do not apply to proceedings under 18 USC, Chapter 403 -- Juvenile Delinquency -- so far as they are inconsistent with that chapter. They do not apply to summary trials for offenses against the navigation laws under Revised Statutes §§ 4300-4305, 33 USC §§ 391-396, or to proceedings involving disputes between seamen under Revised Statutes, §§ 4079-4081, as amended, 22 USC §§ 256-258, or to proceedings for fishery offenses under the Act of June 28, 1937, c. 392, 50 Stat 325-327, 16 USC §§ 772-772i, or to proceedings against a witness in a foreign country under 28 USC § 1784.

(c) **Application of terms.** As used in these rules the following terms have the designated meanings.

"Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession.

"Attorney for the government" means the Attorney General, an authorized assistant of the Attorney General, a United States attorney, an authorized assistant of a United States Attorney, when applicable to cases arising under the laws of Guam the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein, and when applicable to cases arising under the

laws of the Northern Mariana Islands the Attorney General of the Northern Mariana Islands or any other person or persona as may be authorized by the laws of the Northern Marianas to act therein.

**"Civil action"**, refers to a civil action in a district court.

The words **"demurrer," "motion to quash," "plea in abatement," "plea in bar" and "special plea in bar,"** or words to the same effect, in any act of Congress shall be construed to mean the motion raising a defense or objection provided in Rule 12.

**"District court"** includes all district courts named in subdivision (a) of this rule.

**"Federal magistrate judge"** means a United States magistrate judge as defined in 28 U.S.C. §§ 631-639, a judge of the United States or another judge or judicial officer specifically empowered by statute in force in any territory or possession, the Commonwealth of Puerto Rico, or the District of Columbia, to perform a function to which a particular rule relates.

**"Judge of the United States"** includes a judge of a district court, court of appeals or the Supreme Court.

**"Law"** includes statutes and judicial decisions.

**"Magistrate judge"** includes a United States magistrate judge as defined in 28 U.S.C. §§ 631-639, a judge of the United States, another judge or judicial officer specifically empowered by statute in force in any territory or possession, the Commonwealth of Puerto Rico, or the District of Columbia, to perform a function to which a particular rule relates, and a state or local judicial officer, authorized by 18 U.S.C. § 3041 to perform the functions prescribed in Rules 3, 4, and 5.

**"Oath"** includes affirmations.

**"Petty offense"** is defined in 18 U.S.C. § 19.

**"State"** includes District of Columbia, Puerto Rico, territory and insular possession.

**"United States magistrate judge"** means the officer authorized by 28 U.S.C. §§ 631-639.

[Amended Dec. 27, 1948, eff. Oct. 20, 1949; Apr. 9, 1956, eff. 90 days after Apr. 9, 1956; Feb. 28, 1966, eff. July 1, 1966; Apr. 24, 1972, eff. Oct. 1, 1972; Aug. 1, 1982; Oct. 12, 1984, P. L. 98-473, Title II, Ch. I, § 209(e), Ch. II, § 215(e), 98 Stat. 1987, 2016; Nov. 18, 1988, P. L. 100-690, Title VII, Subtitle B, § 7089(c), 102 Stat. 4409; Dec. 1, 1990; Dec. 1, 1991; Dec. 1, 1993.]