

18 USCS § 3296

Current through Public Law 117-327, approved December 27, 2022, with a gap of Public Law 117-263.

United States Code Service > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE** (§§ 1 — 6005) > *Part II. Criminal Procedure (Chs. 201 — 238)* > **CHAPTER 213. Limitations** (§§ 3281 — 3301)

§ 3296. Counts dismissed pursuant to a plea agreement

(a) In general. Notwithstanding any other provision of this chapter [18 USCS §§ 3281 et seq.], any counts of an indictment or information that are dismissed pursuant to a plea agreement shall be reinstated by the District Court if—

- (1) the counts sought to be reinstated were originally filed within the applicable limitations period;
- (2) the counts were dismissed pursuant to a plea agreement approved by the District Court under which the defendant pled guilty to other charges;
- (3) the guilty plea was subsequently vacated on the motion of the defendant; and
- (4) the United States moves to reinstate the dismissed counts within 60 days of the date on which the order vacating the plea becomes final.

(b) Defenses; objections. Nothing in this section shall preclude the District Court from considering any defense or objection, other than statute of limitations, to the prosecution of the counts reinstated under subsection (a).

History

HISTORY:

Added Nov. 2, 2002, P. L. 107-273, Div B, Title III, § 3003(a), 116 Stat. 1805.

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