

# UNIFORM LAWS ANNOTATED

UNIFORM RULES  
OF  
CRIMINAL  
PROCEDURE

MODEL  
PENAL CODE

*MASTER EDITION*

# UNIFORM LAWS ANNOTATED

Uniform Rules of Criminal Procedure

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Model Penal Code

With  
Comments by National Conference's  
Special Committee on Uniform  
Rules of Criminal Procedure

ST. PAUL, MINN.  
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## EXPLANATION

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This new Volume 10 of the Master Edition of Uniform Laws Annotated contains the text of the Uniform Rules of Criminal Procedure adopted by the National Conference of Commissioners on Uniform State Laws in August 1974, and the text of the Model Penal Code as drafted and approved by the American Law Institute.

The new Rules replace the former Rules of Criminal Procedure adopted in 1952 which had been rendered largely outdated by extensive changes in the area of criminal procedure, including numerous United States Supreme Court and other judicial decisions which have substantially changed various aspects of criminal procedure in view of constitutional limitations.

### NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM LAWS

The National Conference of Commissioners on Uniform State Laws is composed of Commissioners from each of the states, the District of Columbia and Puerto Rico. In thirty-three of these jurisdictions the Commissioners are appointed by the chief executive acting under express legislative authority. In the other jurisdictions the appointments are made by general executive authority. There are usually three representatives from each jurisdiction. The term of appointment varies, but three years is the usual period. The Commissioners are chosen from the legal profession, being lawyers and judges of standing and experience, and teachers of law in some of the leading law schools. They are united in a permanent organization, under a constitution and by-laws, and meet in Annual Conference in the same vicinity as the American Bar Association, usually for five or six days immediately preceding the meeting of that Association. The record of the activities of the National Conference, the reports of its committees, and its approved acts are printed in the Annual Proceedings.

The object of the National Conference, as stated in its constitution, is "to promote uniformity in state laws on all subjects where uniformity is deemed desirable and practicable." The National Conference works through standing and special committees. In recent years all proposals of subjects for legislation are

## EXPLANATION

referred to a standing Committee on Scope and Program. After due investigation, and sometimes a hearing of parties interested, this committee reports whether the subject is one upon which it is desirable and feasible to draft a uniform law. If the National Conference decides to take up the subject, it refers the same to a special committee with instructions to report a draft of an act. With respect to some of the more important acts, it has been customary to employ an expert draftsman. Tentative drafts of acts are submitted from year to year and are discussed section by section. Each uniform act is thus the result of one or more tentative drafts subjected to the criticism, correction, and emendation of the Commissioners, who represent the experience and judgment of a select body of lawyers chosen from every part of the United States. When finally approved by the National Conference, the uniform acts are recommended for general adoption throughout the jurisdiction of the United States and are submitted to the American Bar Association for its approval.

## OFFICIAL COMMENTS

This volume contains the extensive comments prepared by the National Conference's Special Committee on Uniform Rules of Criminal Procedure in explanation of the new Uniform Rules of Criminal Procedure.

## LAW REVIEW COMMENTARIES

References to informative articles and discussions in Law Review and other legal periodicals, relating to various aspects of the Uniform Rules of Criminal Procedure and Model Penal Code, appear under the sections to which they are pertinent.

## LIBRARY REFERENCES

Another helpful feature of this edition consists of the references keyed to topics in the American Digest System, wherein cases from all jurisdictions on related material are annotated, and to sections of Corpus Juris Secundum which discuss the prevailing authority on related subject matter.

## INDEX TO TEXT

Separate alphabetical descriptive-word indices to the text of the Uniform Rules of Criminal Procedure and the Model Penal Code will be found at the end of each Act.

THE PUBLISHER

November, 1974

## Acknowledgment

### Official Text and Comments

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Acknowledgment is gratefully made to The American Law Institute and to the National Conference of Commissioners on Uniform State Laws for permission to reproduce the official Text and Comments for the Acts included herein.

THE PUBLISHER

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## CITE THIS BOOK

Rules of Criminal Procedure (U.L.A.) rule —.

Model Penal Code (U.L.A.) § —.

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# UNIFORM RULES OF CRIMINAL PROCEDURE

## Article I

### SCOPE

#### Rule

111. Scope.

## Article II

### PROCEDURES BEFORE APPEARANCE

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## RULES OF CRIMINAL PROCEDURE

### Article II—Continued

#### PROCEDURES BEFORE APPEARANCE—Continued

##### PART 2. CITATION, SUMMONS, AND ARREST WARRANT— Continued

###### Rule

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## **RULES OF CRIMINAL PROCEDURE**

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## RULES OF CRIMINAL PROCEDURE

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#### PRETRIAL PROCEDURES—Continued

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