
AMENDMENT TO FEDERAL RULES OF EVIDENCE

The following amendment to the Federal Rules of Evidence was prescribed by the Supreme Court of the United States on April 30, 1979, pursuant to 28 U. S. C. § 2076, and was reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *ante*, p. 970. The Judicial Conference Reports referred to in that letter are not reproduced herein.

Note that under 28 U. S. C. § 2076, such an amendment does not take effect until so reported to Congress and until the expiration of 180 days thereafter, and if Congress disapproves an amendment so reported it does not take effect. Moreover, Congress may defer the effective date to a later date or until approved by Act of Congress, or may modify such an amendment.

For earlier reference to the Federal Rules of Evidence, see 409 U. S. 1132.

SUPREME COURT OF THE UNITED STATES
AMENDMENT TO FEDERAL RULES OF EVIDENCE

MONDAY, APRIL 30, 1979

ORDERED:

1. That Rule 410 of the Federal Rules of Evidence be, and it hereby is, amended to read as follows:

Rule 410. Inadmissibility of pleas, plea discussions, and related statements.

Except as otherwise provided in this rule, evidence of the following is not, in any civil or criminal proceeding, admissible against the defendant who made the plea or was a participant in the plea discussions:

- (1) a plea of guilty which was later withdrawn;
- (2) a plea of nolo contendere;
- (3) any statement made in the course of any proceedings under Rule 11 of the Federal Rules of Criminal Procedure or comparable state procedure regarding either of the foregoing pleas; or
- (4) any statement made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty later withdrawn.

However, such a statement is admissible (i) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought in fairness be considered contemporaneously with it, or (ii) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

2. That the foregoing amendment to the Federal Rules of Evidence shall take effect on November 1, 1979, and shall be

applicable to all proceedings then pending except to the extent that in the opinion of the court the application of the amended rule in a particular proceeding would not be feasible or would work injustice.

3. That THE CHIEF JUSTICE be, and he hereby is, authorized to transmit to the Congress the foregoing amendment to the Federal Rules of Evidence in accordance with the provisions of 28 U. S. C. § 2076.