

1947

Criminal Law Notes and Comments: Recent Legislation

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furnished members of grand jury panels with a booklet prepared by them outlining the powers relating to grand jury duty. This was supplemented in 1927 by a monthly publication entitled "The Panel" which is devoted entirely to proposed legislative reforms in grand jury procedure and other matters affecting criminal procedure in New York. The Association's right to do this has never been challenged.²⁴ On the contrary, the advisory staff of the Association has included members of the Appellate Court, the Mayor of New York City, and the district attorneys. Associations similar to that in New York have also been formed in other states.²⁵

The conclusion seems inescapable that in Illinois and in other states where the grand jury has not been deprived of its common law power, groups of civic-minded private citizens can directly inform grand juries of their powers and duties.

WILLIAM J. FREMON.

Recent Legislation

RICHARD W. COOPER

Federal Offense to Flee From State to Avoid State Prosecution, Custody or Confinement—The Federal Law entitled "An Act making it unlawful for any person to flee from one State to another for the purpose of *avoiding prosecution* or the giving of testimony in certain cases", (italics supplied) approved May 18, 1934 (48 Stat. 782; 18 U.S.C. 408 e) was amended by the present act to include escaped convicts attempting to avoid *custody* or *confinement* after conviction for a felony.

Violations may be prosecuted only in the Federal Judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement. Punishment, upon conviction, is a fine of not more than \$5000, or imprisonment for not longer than five years, or both. (Ch. 735, Public Law 591, 79th Congress, Approved Aug. 2, 1946.)

Larceny in Interstate or Foreign Commerce—The Act of Feb. 13, 1913, relating to larceny in interstate or foreign commerce, as amended (47 Stat. 773; U.S.C. title 18, secs. 409 to 411) applied only to the larceny of interstate or foreign shipments made by rail, highway, or water. The present amendment includes the crime of embezzlement with that of larceny and makes the entire act applicable also to air transportation. The new amendment divides a bunglesome 431 word sentence of the old act into five paragraphs which clarify and aid

²⁴ F. V. Langan, Executive Secretary of the Grand Jury Association of New York County, stated in a letter to this writer that it was their practice to mail to all persons on the grand jury panel of New York County, regardless of whether or not they become members of the Association, a copy of the Manual for Grand Jurors and that their right to do so had never been challenged.

²⁵ 16 The Panel 1, p. 5 (1938). The Committee lists Grand Jury Associations in New York, New Jersey, Pennsylvania, Ohio, Texas and California and Federal Associations in the Southern District of New York and the Eastern District of New York.

its interpretation. The penalty remains the same as before. (Ch. 606, Public Law 534, 79th Congress, Approved July 24, 1946.)

Indigent Convicts; Discharge—A June 20, 1940 act of Congress (54 Stat. 692; 18 U.S.C. 641) provided that a person fined by any court of the United States and imprisoned solely for non-payment of the fine, could apply, after a period of 30 days, to a U. S. Commissioner for his release on the ground that he is financially unable to pay the fine. A present amendment, in the interest of efficiency and economy of administration, gives the prisoner the choice of applying to either the warden of the Federal penal institution, in which he is confined, or the U. S. Commissioner. It provides, however, that if the prisoner applies to the warden and receives an adverse determination, he has the right to a hearing *de novo* before a commissioner. (Ch. 547, Public Law 496, 79th Congress, Approved July 10, 1946.)

Stolen Motor Vehicles, or Aircraft, in Interstate Commerce—Section 2, subsection (a) of the National Motor Vehicle Theft Act (41 Stat. 324; 18 U.S.C. 408) entitled "An Act to punish the transportation of stolen motor vehicles in interstate or foreign commerce", has been amended by adding, after the words "motor vehicle" wherever they appear, the words "or aircraft". The term "aircraft" is defined as "any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air." (Ch. 383, Public Law 184, 79th Congress, Approved Sept. 24, 1945.)

Protection of Parties, Witnesses, or Jurors Who Have Participated in Federal Proceedings—Sections 135, 135a, and 136 of the Criminal Code (35 Stat. 1113; 18 U.S.C. 241) dealing with the protection of a party, witness, or juror who is taking part in a Congressional investigation, administrative hearing, or Federal Court proceedings was amended, extending the protection beyond, and after, the determination of the hearing or trial. The act is now entitled, "An Act to amend the Criminal Code so as to punish anyone injuring a party, witness, or juror on account of his *having acted* as such." (Italics added.) (Ch. 178, Public Law 79, 79th Congress, Approved June 8, 1945.)
