

Revised 104A

ADOPTED AS AMENDED

RECOMMENDATION

1 RESOLVED, That the American Bar Association recommends that Rule 32 of the
2 Federal Rules of Criminal Procedure be amended ~~by the addition of subsections (e)(3) and (e)(4)~~
3 ~~below: to require that:~~

4
5 ~~(e)(3) Availability of Information Received from Parties.~~

6
7 (a) Any party submitting documentary information to the
8 probation officer in connection with a pre-sentence investigation shall,
9 unless excused by the Court for good cause shown, provide that
10 documentary information to the opposing party at the same time it is
11 submitted to the probation officer; ~~Where a probation officer receives oral~~
12 ~~information from a party other than through the interview of the~~
13 ~~defendant, the officer shall, unless excused by the Court for good cause~~
14 ~~shown, provide a written summary of the information to the parties.~~

15
16 (b) a probation officer who receives oral information from a party
17 other than through the interview of the defendant, unless excused by the
18 Court for good cause shown, provide a written summary of the
19 information to the parties.

20
21 ~~(e)(4) Availability of Information Received From Non-Parties.~~

22 (c) ~~Where a probation officer who receives~~ documentary
23 ~~information is submitted by~~ from a non-party ~~to the probation officer in~~
24 ~~connection with a pre-sentence investigation the officer shall, unless~~
25 ~~excused by the Court for good cause shown, promptly provide that~~
26 ~~documentary information to the parties; and~~ Where a probation officer
27 receives oral information from a non-party, the officer shall, unless
28 excused by the Court for good cause shown, provide a written summary of
29 the information to the parties.

30
31 (d) a probation officer who receives oral information from a non-
32 party, unless excused by the Court for a good cause shown, provide a
33 written summary of the information to the parties.

(Deletions struck-through; Additions underlined)