

which the demonstration program is in effect, it shall be an additional, mandatory condition of probation, and an additional mandatory condition of supervised release for offenses occurring or completed on or after January 1, 1989, for any defendant convicted of a felony, that such defendant refrain from any illegal use of any controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]) and submit to periodic drug tests for use of controlled substances at least once every 60 days. The requirement that drug tests be administered at least once every 60 days may be suspended upon motion of the Director of the Administrative Office, or the Director's designee, if, after at least one year of probation or supervised release, the defendant has passed all drug tests administered pursuant to this section. No action may be taken against a defendant pursuant to a drug test administered in accordance with this subsection unless the drug test confirmation is a urine drug test confirmed using gas chromatography techniques or such test as the Secretary of Health and Human Services may determine to be of equivalent accuracy.

“(f) REPORT TO CONGRESS.—Not later than 90 days after the first year of the demonstration program and not later than 90 days after the end of the demonstration program, the Director of the Administrative Office of the United States Courts shall report to Congress on the effectiveness of the demonstration program and include in such report recommendations as to whether mandatory drug testing of defendants should be made more general and permanent.”

### § 3155. Annual reports

Each chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title, and each chief probation officer in all other districts, shall prepare an annual report to the chief judge of the district court and the Director concerning the administration and operation of pretrial services. The Director shall be required to include in the Director's annual report to the Judicial Conference under section 604 of title 28 a report on the administration and operation of the pretrial services for the previous year.

(Added Pub. L. 93-619, title II, § 201, Jan. 3, 1975, 88 Stat. 2088; amended Pub. L. 97-267, § 5, Sept. 27, 1982, 96 Stat. 1138.)

#### AMENDMENTS

1982—Pub. L. 97-267 substituted provisions that each pretrial services officer or chief probation officer shall prepare an annual report to the chief judge of the district court and to the Director concerning the administration and operation of pretrial services and that the Director must include in the Director's annual report to the Judicial Conference a report on the administration and operation of the pretrial services for the previous year for provisions relating to the Director's annual report to Congress, the contents of the Director's fourth annual report, and that on or before the expiration of the forty-eighth-month period following July 1, 1975, the Director would file a comprehensive report with Congress concerning the administration and operation of the amendments made by the Speedy Trial Act of 1974, including his views and recommendations with respect thereto.

### § 3156. Definitions

(a) As used in sections 3141-3150 of this chapter—

(1) the term “judicial officer” means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to

detain or release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court of the District of Columbia;

(2) the term “offense” means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress and is triable in any court established by Act of Congress;

(3) the term “felony” means an offense punishable by a maximum term of imprisonment of more than one year;

(4) the term “crime of violence” means—

(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another;

(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; or

(C) any felony under chapter 109A, 110, or 117; and

(5) the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) As used in sections 3152-3155 of this chapter—

(1) the term “judicial officer” means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to detain or release a person before trial or sentencing or pending appeal in a court of the United States, and

(2) the term “offense” means any Federal criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a Class B or C misdemeanor or an infraction, or an offense triable by court-martial, military commission, provost court, or other military tribunal).

(Added Pub. L. 93-619, title II, § 201, Jan. 3, 1975, 88 Stat. 2088; amended Pub. L. 98-473, title II, §§ 203(c), 223(h), Oct. 12, 1984, 98 Stat. 1985, 2029; Pub. L. 99-646, § 55(i), Nov. 10, 1986, 100 Stat. 3610; Pub. L. 103-322, title IV, § 40501, Sept. 13, 1994, 108 Stat. 1945; Pub. L. 104-294, title VI, § 607(i), Oct. 11, 1996, 110 Stat. 3512; Pub. L. 105-314, title VI, § 601, Oct. 30, 1998, 112 Stat. 2982.)

#### AMENDMENTS

1998—Subsec. (a)(4)(C). Pub. L. 105-314 added subpar. (C) and struck out former subpar. (C) which read as follows: “any felony under chapter 109A or chapter 110; and”.

1996—Subsec. (a)(5). Pub. L. 104-294 added par. (5).

1994—Subsec. (a)(4)(C). Pub. L. 103-322 added subpar. (C).

1986—Subsec. (a). Pub. L. 99-646 substituted “the term” for “The term” in pars. (1) to (4) and struck out “and” after “Congress;” in par. (2).

1984—Subsec. (a). Pub. L. 98-473, § 203(c)(1), substituted “3141” for “3146” in provision preceding par. (1).

Subsec. (a)(1). Pub. L. 98-473, § 203(c)(2), substituted “to detain or release” for “to bail or otherwise release” and struck out “and” after “District of Columbia;”.

Subsec. (a)(3), (4). Pub. L. 98-473, §203(c)(3), (4), added pars. (3) and (4).

Subsec. (b)(1). Pub. L. 98-473, §203(c)(5), substituted "to detain or release" for "to bail or otherwise release".

Subsec. (b)(2). Pub. L. 98-473, §223(h), substituted "Class B or C misdemeanor or an infraction" for "petty offense as defined in section 1(3) of this title".

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-646 effective 30 days after Nov. 10, 1986, see section 55(j) of Pub. L. 99-646, set out as a note under section 3141 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 223(h) of Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

**CHAPTER 208—SPEEDY TRIAL**

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AMENDMENTS

1979—Pub. L. 96-43, §11, Aug. 2, 1979, 93 Stat. 332, substituted "Persons detained or designated as being of high risk" for "Interim limits" in item 3164 and inserted "and implementation" in item 3174.

1975—Pub. L. 93-619, title I, §101, Jan. 3, 1975, 88 Stat. 2076, added chapter 208 and items 3161 to 3174.

**§ 3161. Time limits and exclusions**

(a) In any case involving a defendant charged with an offense, the appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial.

(b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

(c)(1) In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial offi-

cer of the court in which such charge is pending, whichever date last occurs. If a defendant consents in writing to be tried before a magistrate judge on a complaint, the trial shall commence within seventy days from the date of such consent.

(2) Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

(d)(1) If any indictment or information is dismissed upon motion of the defendant, or any charge contained in a complaint filed against an individual is dismissed or otherwise dropped, and thereafter a complaint is filed against such defendant or individual charging him with the same offense or an offense based on the same conduct or arising from the same criminal episode, or an information or indictment is filed charging such defendant with the same offense or an offense based on the same conduct or arising from the same criminal episode, the provisions of subsections (b) and (c) of this section shall be applicable with respect to such subsequent complaint, indictment, or information, as the case may be.

(2) If the defendant is to be tried upon an indictment or information dismissed by a trial court and reinstated following an appeal, the trial shall commence within seventy days from the date the action occasioning the trial becomes final, except that the court retrying the case may extend the period for trial not to exceed one hundred and eighty days from the date the action occasioning the trial becomes final if the unavailability of witnesses or other factors resulting from the passage of time shall make trial within seventy days impractical. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitations specified in this section. The sanctions of section 3162 apply to this subsection.

(e) If the defendant is to be tried again following a declaration by the trial judge of a mistrial or following an order of such judge for a new trial, the trial shall commence within seventy days from the date the action occasioning the retrial becomes final. If the defendant is to be tried again following an appeal or a collateral attack, the trial shall commence within seventy days from the date the action occasioning the retrial becomes final, except that the court retrying the case may extend the period for retrial not to exceed one hundred and eighty days from the date the action occasioning the retrial becomes final if unavailability of witnesses or other factors resulting from passage of time shall make trial within seventy days impractical. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitations specified in this section. The sanctions of section 3162 apply to this subsection.

(f) Notwithstanding the provisions of subsection (b) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(a) of this chapter the time limit imposed with respect to the period between arrest and indictment by subsection (b) of this section shall be