

resented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act [Nov. 26, 1997], may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision."

GOVERNMENT RATES OF TRAVEL FOR CRIMINAL JUSTICE
ACT ATTORNEYS AND EXPERTS

Pub. L. 102-572, title VII, §702, Oct. 29, 1992, 106 Stat. 4515, provided that: "The Administrator of General Services, in entering into contracts providing for special rates to be charged by Federal Government sources of supply, including common carriers and hotels (or other commercial providers of lodging) for official travel and accommodation of Federal Government employees, shall provide for charging the same rates for attorneys, experts, and other persons traveling primarily in connection with carrying out responsibilities under section 3006A of title 18, United States Code, including community defender organizations established under subsection (g) of that section."

STUDY OF FEDERAL DEFENDER PROGRAM

Pub. L. 101-650, title III, §318, Dec. 1, 1990, 104 Stat. 5116, as amended by Pub. L. 102-198, §9, Dec. 9, 1991, 105 Stat. 1626, directed Judicial Conference of the United States to conduct a study of effectiveness of Federal defender program and to transmit a report on results of study to Committees on the Judiciary of Senate and House of Representatives no later than Mar. 31, 1993, with report to include recommendations for legislation, a proposed formula for compensation of Federal defender program counsel, and suggestions for procedural and operational changes by courts.

FUNDS FOR PAYMENT OF COMPENSATION AND
REIMBURSEMENT

Pub. L. 101-45, title II, §102, June 30, 1989, 103 Stat. 122, provided in part: "That compensation and reimbursement of attorneys and others as authorized under section 3006A of title 18, United States Code, and section 1875(d) of title 28, United States Code, may hereinafter be paid from funds appropriated for 'Defender Services' in the year in which payment is required."

CERTIFICATION BY ATTORNEY GENERAL TO ADMINISTRATIVE OFFICE OF UNITED STATES COURTS OF PAYMENT OF OBLIGATED EXPENSES

Pub. L. 95-144, §5(c), Oct. 28, 1977, 91 Stat. 1222, provided that: "The Attorney General shall certify to the Administrative Office of the United States Courts those expenses which it is obligated to pay on behalf of an indigent offender under section 3006A of title 18, United States Code, and similar statutes."

POWER AND FUNCTION OF A UNITED STATES
COMMISSIONER

Pub. L. 91-447, §2, Oct. 14, 1970, 84 Stat. 920, provided that a United States commissioner for a district could exercise any power, function, or duty authorized to be

performed by a United States magistrate under the amendments made by section 1 of Pub. L. 91-447, which amended this section, if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

SUBMISSION OF PLANS

Pub. L. 88-455, §3, Aug. 20, 1964, 78 Stat. 554, directed each district court to submit a plan in accord with section 3006A of this title and the rules of the Judicial Conference of the United States to the judicial council of the circuit within 6 months from Aug. 20, 1964, further directed each judicial council to approve and send to the Administrative Office of the United States courts a plan for each district in its circuit within 9 months from Aug. 20, 1964, and also directed each district court and court of appeals to place its approved plan in operation within 1 year from Aug. 20, 1964.

§ 3007. Motions—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Motions substituted for pleas in abatement and special pleas in bar, rule 12.

Form and contents, rule 47.

(June 25, 1948, ch. 645, 62 Stat. 814.)

§ 3008. Service and filing of papers—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Requirement and manner of service; notice of orders; filing papers, rule 49.

(June 25, 1948, ch. 645, 62 Stat. 815.)

§ 3009. Records—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Keeping of records by district court clerks and magistrate judges, rule 55.

(June 25, 1948, ch. 645, 62 Stat. 815; Pub. L. 90-578, title III, §301(a)(4), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1968—Pub. L. 90-578 substituted "magistrates" for "commissioners".

CHANGE OF NAME

Words "magistrate judges" substituted for "magistrates" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 3010. Exceptions unnecessary—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Objections substituted for exceptions, rule 51.

(June 25, 1948, ch. 645, 62 Stat. 815.)

§ 3011. Computation of time—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Computation: enlargement; expiration of term; motions and affidavits; service by mail, rule 45.

(June 25, 1948, ch. 645, 62 Stat. 815.)

§ 3012. Repealed. Pub. L. 98-473, title II,
§ 218(a)(2), Oct. 12, 1984, 98 Stat. 2027]

Section, act June 25, 1948, ch. 645, 62 Stat. 815, related to orders respecting prisoners or persons in custody.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of

such repeal, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

§ 3013. Special assessment on convicted persons

(a) The court shall assess on any person convicted of an offense against the United States—

(1) in the case of an infraction or a misdemeanor—

- (A) if the defendant is an individual—
 - (i) the amount of \$5 in the case of an infraction or a class C misdemeanor;
 - (ii) the amount of \$10 in the case of a class B misdemeanor; and
 - (iii) the amount of \$25 in the case of a class A misdemeanor; and
- (B) if the defendant is a person other than an individual—
 - (i) the amount of \$25 in the case of an infraction or a class C misdemeanor;
 - (ii) the amount of \$50 in the case of a class B misdemeanor; and
 - (iii) the amount of \$125 in the case of a class A misdemeanor;

(2) in the case of a felony—

- (A) the amount of \$100 if the defendant is an individual; and
- (B) the amount of \$400 if the defendant is a person other than an individual.

(b) Such amount so assessed shall be collected in the manner that fines are collected in criminal cases.

(c) The obligation to pay an assessment ceases five years after the date of the judgment. This subsection shall apply to all assessments irrespective of the date of imposition.

(d) For the purposes of this section, an offense under section 13 of this title is an offense against the United States.

(Added Pub. L. 98-473, title II, §1405(a), Oct. 12, 1984, 98 Stat. 2174; amended Pub. L. 100-185, §3, Dec. 11, 1987, 101 Stat. 1279; Pub. L. 100-690, title VII, §§7082(b), 7085, Nov. 18, 1988, 102 Stat. 4407, 4408; Pub. L. 101-647, title XXXV, §3569, Nov. 29, 1990, 104 Stat. 4928; Pub. L. 104-132, title II, §210, Apr. 24, 1996, 110 Stat. 1240; Pub. L. 104-294, title VI, §601(r)(4), Oct. 11, 1996, 110 Stat. 3502.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-294 struck out “not less than” before “\$100” in subpar. (A) and before “\$400” in subpar. (B).

Pub. L. 104-132 substituted “not less than \$100” for “\$50” in subpar. (A) and “not less than \$400” for “\$200” in subpar. (B).

1990—Subsec. (a)(1)(B). Pub. L. 101-647 substituted “an infraction” for “a infraction” in cl. (i) and a semicolon for a period at end of cl. (iii).

1988—Subsec. (a)(1). Pub. L. 100-690, §7085, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “in the case of a misdemeanor—

“(A) the amount of \$25 if the defendant is an individual; and

“(B) the amount of \$100 if the defendant is a person other than an individual; and”.

Subsec. (c). Pub. L. 100-690, §7082(b), inserted at end “This subsection shall apply to all assessments irrespective of the date of imposition.”

1987—Subsecs. (c), (d). Pub. L. 100-185 added subsecs. (c) and (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 effective, to extent constitutionally permissible, for sentencing proceed-

ings in cases in which defendant is convicted on or after Apr. 24, 1996, see section 211 of Pub. L. 104-132, set out as a note under section 2248 of this title.

EFFECTIVE DATE

Section effective 30 days after Oct. 12, 1984, see section 1409(a) of Pub. L. 98-473, set out as a note under section 10601 of Title 42, The Public Health and Welfare.

CHAPTER 203—ARREST AND COMMITMENT

- Sec. 3041. Power of courts and magistrates.
- 3042. Extraterritorial jurisdiction.
- [3043. Repealed.]
- 3044. Complaint—Rule.
- 3045. Internal revenue violations.
- 3046. Warrants or summons—Rule.¹
- 3047. Multiple warrants unnecessary.
- 3048. Commitment to another district; removal—Rule.
- 3049. Warrant for removal.
- 3050. Bureau of Prisons employees’ powers.
- 3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives²
- 3052. Powers of Federal Bureau of Investigation.
- 3053. Powers of marshals and deputies.
- [3054. Repealed.]
- 3055. Officers’ powers to suppress Indian liquor traffic.
- 3056. Powers, authorities, and duties of United States Secret Service.
- 3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division.
- 3057. Bankruptcy investigations.
- 3058. Interned belligerent nationals.
- 3059. Rewards and appropriations therefor.³
- 3059A. Special rewards for information relating to certain financial institution offenses.³
- 3059B. General reward authority.³
- 3060. Preliminary examination.
- 3061. Investigative powers of Postal Service personnel.
- 3062. General arrest authority for violation of release conditions.
- 3063. Powers of Environmental Protection Agency.
- 3064. Powers of Federal Motor Carrier Safety Administration.

AMENDMENTS

2006—Pub. L. 109-177, title VI, §605(b), Mar. 9, 2006, 120 Stat. 255, added item 3056A.

Pub. L. 109-162, title XI, §1172(a), Jan. 5, 2006, 119 Stat. 3123, added item 3051.

2005—Pub. L. 109-59, title IV, §4143(c)(2), Aug. 10, 2005, 119 Stat. 1748, added item 3064.

1996—Pub. L. 104-294, title VI, §605(n), Oct. 11, 1996, 110 Stat. 3510, added item 3059B.

1994—Pub. L. 103-322, title XXXIII, §330010(18), Sept. 13, 1994, 108 Stat. 2144, inserted a period at end of item 3059A.

1990—Pub. L. 101-647, title XXXV, §3570, Nov. 29, 1990, 104 Stat. 4928, struck out item 3054 “Officer’s powers involving animals and birds”.

Pub. L. 101-647, title XXV, §2587(b), Nov. 29, 1990, 104 Stat. 4905, as amended, effective as of date section 2587(b) of Pub. L. 101-647 took effect, by Pub. L. 103-322, title XXXIII, §330011(a), Sept. 13, 1994, 108 Stat. 2144, added item 3059A.

1988—Pub. L. 100-690, title VI, §6251(b), Nov. 18, 1988, 102 Stat. 4362, substituted “Investigative powers of Postal Service personnel” for “Powers of postal personnel” in item 3061.

Pub. L. 100-582, §4(b), Nov. 1, 1988, 102 Stat. 2959, added item 3063.

¹ So in original. Does not conform to section catchline.

² So in original. Probably should be followed by a period.

³ Section repealed by Pub. L. 107-273 without corresponding amendment of chapter analysis.