

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 Repealed.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.

1984—Pub. L. 98-587, § 1(b), Oct. 30, 1984, 98 Stat. 3111, substituted "Powers, authorities, and duties of United States Secret Service" for "Secret Service powers" in item 3056.

Pub. L. 98-473, title II, § 204(e), Oct. 12, 1984, 98 Stat. 1986, substituted "Repealed" for "Security of the peace and good behavior" in item 3043 and added item 3062.

1970—Pub. L. 91-375, § 6(j)(38)(B), Aug. 12, 1970, 84 Stat. 782, substituted "postal personnel" for "postal inspectors" in item 3061.

1968—Pub. L. 90-578, title III, § 303(b), Oct. 17, 1968, 82 Stat. 1118, struck out reference to "Rule" in item 3060.

Pub. L. 90-560, § 5(b), Oct. 12, 1968, 82 Stat. 998, added item 3061.

1951—Act Oct. 31, 1951, ch. 655, § 56(f), 65 Stat. 729, struck out item 3051 "Extradition agent's powers".

§ 3041. Power of courts and magistrates

For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States magistrate judge, or by any chancellor, judge of a supreme or superior court, chief or first judge of the common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned or released as provided in chapter 207 of this title, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge or magistrate judge shall proceed under this section according to rules promulgated by the Supreme Court of the United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest.

(June 25, 1948, ch. 645, 62 Stat. 815; Pub. L. 89-465, § 5(a), June 22, 1966, 80 Stat. 217; Pub. L. 90-578, title III, § 301(a)(1), (3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 98-473, title II, § 204(a), Oct. 12, 1984, 98 Stat. 1985; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 591 (R.S. § 1014; May 28, 1896, ch. 252, § 19, 29 Stat. 184; Mar. 2, 1901, ch. 814, 31 Stat. 956).

This section was completely rewritten to omit all provisions superseded by Federal Rules of Criminal Procedure, rules 3, 4, 5, 40 and 54(a) which prescribed the procedure for preliminary proceedings and examinations before United States judges and commissioners and for removal proceedings but not for preliminary examinations before State magistrates.

AMENDMENTS

1984—Pub. L. 98-473 substituted "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial" for "determining to hold the prisoner for trial".

1968—Pub. L. 90-578 substituted "United States magistrate" and "magistrate" for "United States commissioner" and "commissioner", respectively.