

munodeficiency virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

(e) Not later than 1 year after the date of the enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.

(Added Pub. L. 105-370, §2(a), Nov. 12, 1998, 112 Stat. 3374.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 105-370, which was approved Nov. 12, 1998.

### CHAPTER 303—BUREAU OF PRISONS

Sec.	
4041.	Bureau of Prisons; director and employees.
4042.	Duties of Bureau of Prisons.
4043.	Acceptance of gifts and bequests to the Commissary Funds, Federal Prisons.
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4047.	Prison impact assessments.
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#### AMENDMENTS

2000—Pub. L. 106-294, §2(b), Oct. 12, 2000, 114 Stat. 1040, added item 4048.

1994—Pub. L. 103-322, title II, §20402(b), Sept. 13, 1994, 108 Stat. 1825, added item 4047.

1990—Pub. L. 101-647, title XXX, §3001(b), Nov. 29, 1990, 104 Stat. 4915, added item 4046.

1986—Pub. L. 99-646, §67(b), Nov. 10, 1986, 100 Stat. 3616, added items 4044 and 4045.

1982—Pub. L. 97-258, §2(d)(4)(A), Sept. 13, 1982, 96 Stat. 1059, added item 4043.

#### § 4041. Bureau of Prisons; director and employees

The Bureau of Prisons shall be in charge of a director appointed by and serving directly under the Attorney General. The Attorney General may appoint such additional officers and employees as he deems necessary.

(June 25, 1948, ch. 645, 62 Stat. 849; Pub. L. 107-273, div. A, title III, §302(1), Nov. 2, 2002, 116 Stat. 1781.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §753 (May 14, 1930, ch. 274, §1, 46 Stat. 325).

The entire second sentence was omitted as executed. All powers and authority originally vested in the former Superintendent of Prisons are now possessed by the Bureau of Prisons.

Minor changes of phraseology were made.

#### AMENDMENTS

2002—Pub. L. 107-273 struck out “at a salary of \$10,000 a year” after “under the Attorney General”.

#### COMPENSATION OF DIRECTOR

Compensation of Director, see section 5315 of Title 5, Government Organization and Employees.

#### § 4042. Duties of Bureau of Prisons

(a) IN GENERAL.—The Bureau of Prisons, under the direction of the Attorney General, shall—

(1) have charge of the management and regulation of all Federal penal and correctional institutions;

(2) provide suitable quarters and provide for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise;

(3) provide for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States;

(4) provide technical assistance to State, tribal, and local governments in the improvement of their correctional systems;

(5) provide notice of release of prisoners in accordance with subsections (b) and (c);

(D)<sup>1</sup> establish prerelease planning procedures that help prisoners—

(i) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

(ii) secure such identification and benefits prior to release, subject to any limitations in law; and

(E)<sup>2</sup> establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

(i) Health and nutrition.

(ii) Employment.

(iii) Literacy and education.

(iv) Personal finance and consumer skills.

(v) Community resources.

(vi) Personal growth and development.

(vii) Release requirements and procedures.

(b) NOTICE OF RELEASE OF PRISONERS.—(1) At least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, written notice of the release or change of residence shall be provided to the chief law enforcement officers of each State, tribal, and local jurisdiction in which the prisoner will reside. Notice prior to release shall be provided by the Director of the Bureau of Prisons. Notice concerning a change of residence following release shall be provided by the probation officer responsible for the supervision of the released prisoner, or in a manner specified by the Director of the Administrative Office of the United States Courts. The notice requirements under this subsection do not apply in relation to a prisoner being protected under chapter 224.

(2) A notice under paragraph (1) shall disclose—

(A) the prisoner's name;

<sup>1</sup> So in original. Probably should be “(6)”.

<sup>2</sup> So in original. Probably should be “(7)”.

(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

(3) A prisoner is described in this paragraph if the prisoner was convicted of—

(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

(B) a crime of violence (as defined in section 924(c)(3)).

(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (3), or any other person in a category specified by the Attorney General, who is released from prison or sentenced to probation, notice shall be provided to—

(A) the chief law enforcement officer of each State, tribal, and local jurisdiction in which the person will reside; and

(B) a State, tribal, or local agency responsible for the receipt or maintenance of sex offender registration information in the State, tribal, or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall register as required by the Sex Offender Registration and Notification Act. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (3) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.

[(4) Repealed. Pub. L. 109-248, title I, §141(h), July 27, 2006, 120 Stat. 604.]

(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).

(d) APPLICATION OF SECTION.—This section shall not apply to military or naval penal or correctional institutions or the persons confined therein.

(June 25, 1948, ch. 645, 62 Stat. 849; Pub. L. 90-371, July 1, 1968, 82 Stat. 280; Pub. L. 103-322, title II, §20417, Sept. 13, 1994, 108 Stat. 1834; Pub. L. 105-119, title I, §115(a)(8)(A), Nov. 26, 1997, 111 Stat. 2464; Pub. L. 109-248, title I, §141(f)-(h), July 27, 2006, 120 Stat. 603, 604; Pub. L. 110-199, title II, §231(d)(1), Apr. 9, 2008, 122 Stat. 685; Pub. L. 111-211, title II, §261(a), July 29, 2010, 124 Stat. 2299.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§753a, 753b, (May 14, 1930, ch. 274, §§2, 3, 46 Stat. 325).

Because of similarity in the provisions, the first sentence of section 753b of title 18, U.S.C., 1940 ed., was consolidated with section 753a of title 18, U.S.C., 1940 ed., to form this section.

Minor changes were made in phraseology.

The remainder of said section 753b of title 18, U.S.C., 1940 ed., is incorporated in section 4002 of this title.

#### REFERENCES IN TEXT

The Sex Offender Registration and Notification Act, referred to in subsec. (c)(2), (3), is title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, which is classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 16901 of Title 42 and Tables.

#### AMENDMENTS

2010—Subsec. (a)(4). Pub. L. 111-211, §261(a)(1), inserted “, tribal,” after “State”.

Subsec. (b)(1). Pub. L. 111-211, §261(a)(2), substituted “officers of each State, tribal, and local jurisdiction” for “officer of the State and of the local jurisdiction”.

Subsec. (c)(1)(A). Pub. L. 111-211, §261(a)(3)(A), substituted “officer of each State, tribal, and local jurisdiction” for “officer of the State and of the local jurisdiction”.

Subsec. (c)(1)(B). Pub. L. 111-211, §261(a)(3)(B), inserted “, tribal,” after “State” in two places.

2008—Subsec. (a)(D), (E). Pub. L. 110-199 added pars. (D) and (E).

2006—Subsec. (c)(1). Pub. L. 109-248, §141(g)(1), substituted “paragraph (3), or any other person in a category specified by the Attorney General,” for “paragraph (4)” in introductory provisions.

Subsec. (c)(2). Pub. L. 109-248, §141(g)(2), substituted “shall register as required by the Sex Offender Registration and Notification Act” for “shall be subject to a registration requirement as a sex offender” in first sentence and “paragraph (3)” for “paragraph (4)” in fourth sentence.

Subsec. (c)(3). Pub. L. 109-248, §141(f), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.”

Subsec. (c)(4). Pub. L. 109-248, §141(h), struck out par. (4) which read as follows: “A person is described in this paragraph if the person was convicted of any of the fol-

lowing offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

“(A) An offense under section 1201 involving a minor victim.

“(B) An offense under chapter 109A.

“(C) An offense under chapter 110.

“(D) An offense under chapter 117.

“(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.”

1997—Subsec. (a)(5). Pub. L. 105-119, § 115(a)(8)(A)(i), substituted “subsections (b) and (c)” for “subsection (b)”.

Subsec. (b)(4). Pub. L. 105-119, § 115(a)(8)(A)(ii), struck out par. (4) which read as follows: “The notice provided under this section shall be used solely for law enforcement purposes.”

Subsecs. (c), (d). Pub. L. 105-119, § 115(a)(8)(A)(iv), added subsec. (c) and redesignated former subsec. (c) as (d).

1994—Pub. L. 103-322 designated first par. of existing provisions as subsec. (a) and inserted heading, substituted “provide” for “Provide” and “; and” for period at end of par. (4), added par. (5) and subsec. (b), and designated second sentence of existing provisions as subsec. (c) and inserted heading.

1968—Pub. L. 90-371 added cl. (4).

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-119 effective 1 year after Nov. 26, 1997, see section 115(c)(1) of Pub. L. 105-119, set out as a note under section 3521 of this title.

#### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of Title 42, The Public Health and Welfare.

#### AMENITIES OR PERSONAL COMFORTS

Pub. L. 107-77, title VI, § 611, Nov. 28, 2001, 115 Stat. 800, provided that: “Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

“(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

“(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

“(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

“(4) possession of in-cell coffee pots, hot plates or heating elements; or

“(5) the use or possession of any electric or electronic musical instrument.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 106-553, § 1(a)(2) [title VI, § 611], Dec. 21, 2000, 114 Stat. 2762, 2762A-105.

Pub. L. 106-113, div. B, § 1000(a)(1) [title VI, § 612], Nov. 29, 1999, 113 Stat. 1535, 1501A-54.

Pub. L. 105-277, div. A, § 101(b) [title VI, § 611], Oct. 21, 1998, 112 Stat. 2681-50, 2681-113.

Pub. L. 105-119, title VI, § 611, Nov. 26, 1997, 111 Stat. 2517.

Pub. L. 104-208, div. A, title I, § 101(a) [title VI, § 611], Sept. 30, 1996, 110 Stat. 3009, 3009-66.

Pub. L. 104-134, title I, § 101(a) [title VI, § 611], Apr. 26, 1996, 110 Stat. 1321, 1321-64; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.

#### SEXUALLY EXPLICIT COMMERCIALLY PUBLISHED MATERIAL

Pub. L. 107-77, title VI, § 614, Nov. 28, 2001, 115 Stat. 801, provided that: “Hereafter, none of the funds appro-

priated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 106-553, § 1(a)(2) [title VI, § 614], Dec. 21, 2000, 114 Stat. 2762, 2762A-106.

Pub. L. 106-113, div. B, § 1000(a)(1) [title VI, § 615], Nov. 29, 1999, 113 Stat. 1535, 1501A-54.

Pub. L. 105-277, div. A, § 101(b) [title VI, § 614], Oct. 21, 1998, 112 Stat. 2681-50, 2681-113.

Pub. L. 105-119, title VI, § 614, Nov. 26, 1997, 111 Stat. 2518.

Pub. L. 104-208, div. A, title I, § 101(a) [title VI, § 614], Sept. 30, 1996, 110 Stat. 3009, 3009-66.

#### REIMBURSEMENT FOR CERTAIN EXPENSES OUTSIDE OF FEDERAL INSTITUTIONS

Pub. L. 106-553, § 1(a)(2) [title I], Dec. 21, 2000, 114 Stat. 2762, 2762A-55, provided in part: “That hereafter amounts appropriated for Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of transporting, guarding and providing medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing.”

#### GUIDELINES FOR STATES REGARDING INFECTIOUS DISEASES IN CORRECTIONAL INSTITUTIONS

Pub. L. 105-370, § 2(c), Nov. 12, 1998, 112 Stat. 3375, provided that: “Not later than 1 year after the date of the enactment of this Act [Nov. 12, 1998], the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.”

#### PRISONER ACCESS

Pub. L. 105-314, title VIII, § 801, Oct. 30, 1998, 112 Stat. 2990, provided that: “Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government.”

#### APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES

Pub. L. 103-322, title II, § 20404, Sept. 13, 1994, 108 Stat. 1825, provided that: “In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.”

#### COST SAVINGS MEASURES

Pub. L. 101-647, title XXIX, § 2907, Nov. 29, 1990, 104 Stat. 4915, provided that: “The Director of the Federal Bureau of Prisons (referred to as the ‘Director’) shall, to the extent practicable, take such measures as are appropriate to cut costs of construction. Such measures may include reducing expenditures for amenities including, for example, color television or pool tables.”

#### ADMINISTRATION OF CONFINEMENT FACILITIES LOCATED ON MILITARY INSTALLATIONS BY BUREAU OF PRISONS

Pub. L. 100-690, title VII, § 7302, Nov. 18, 1988, 102 Stat. 4463, provided that: “In conjunction with the Department of Defense and the Commission on Alternative Utilization of Military Facilities as established in the

National Defense Authorization Act of Fiscal Year 1989 [see section 2819 of Pub. L. 100-456, 104 Stat. 1820, formerly set out as a note under section 2391 of Title 10, Armed Forces], the Bureau of Prisons shall be responsible for—

“(1) administering Bureau of Prisons confinement facilities for civilian nonviolent prisoners located on military installations in cooperation with the Secretary of Defense, with an emphasis on placing women inmates in such facilities, or in similar minimum security confinement facilities not located on military installations, so that the percentage of eligible women equals the percentage of eligible men housed in such or similar minimum security confinement facilities (i.e., prison camps);

“(2) establishing and regulating drug treatment programs for inmates held in such facilities in coordination and cooperation with the National Institute on Drug Abuse; and

“(3) establishing and managing work programs in accordance with guidelines under the Bureau of Prisons for persons held in such facilities and in cooperation with the installation commander.”

#### § 4043. Acceptance of gifts and bequests to the Commissary Funds, Federal Prisons

The Attorney General may accept gifts or bequests of money for credit to the “Commissary Funds, Federal Prisons”. A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(Added Pub. L. 97-258, §2(d)(4)(B), Sept. 13, 1982, 96 Stat. 1059; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
4043 .....	31:725s-4.	May 15, 1952, ch. 289, §2, 66 Stat. 72; July 9, 1952, ch. 600, 66 Stat. 479.

#### AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

#### EXPENDITURES; INMATE TELEPHONE SYSTEM

Pub. L. 105-277, div. A, §101(b) [title I, §108], Oct. 21, 1998, 112 Stat. 2681-50, 2681-67, provided that: “For fiscal year 1999 and thereafter, the Director of the Bureau of Prisons may make expenditures out of the Commissary Fund of the Federal Prison System, regardless of whether any such expenditure is security-related, for programs, goods, and services for the benefit of inmates (to the extent the provision of those programs, goods, or services to inmates is not otherwise prohibited by law), including—

“(1) the installation, operation, and maintenance of the Inmate Telephone System;

“(2) the payment of all the equipment purchased or leased in connection with the Inmate Telephone System; and

“(3) the salaries, benefits, and other expenses of personnel who install, operate, and maintain the Inmate Telephone System.”

#### DEPOSIT OR INVESTMENT OF EXCESS AMOUNTS IN FEDERAL PRISON COMMISSARY FUND

Section 108 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37, provided that: “For fiscal year 1996 and each fiscal year thereafter, amounts in the Federal Prison System’s

Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investment shall be deposited in the Commissary Fund.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 103-317, title I, §107, Aug. 26, 1994, 108 Stat. 1735.

#### § 4044. Donations on behalf of the Bureau of Prisons

The Attorney General may, in accordance with rules prescribed by the Attorney General, accept in the name of the Department of Justice any form of devise, bequest, gift or donation of money or property for use by the Bureau of Prisons or Federal Prison Industries. The Attorney General may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey such property other than money.

(Added Pub. L. 99-646, §67(a), Nov. 10, 1986, 100 Stat. 3616.)

#### § 4045. Authority to conduct autopsies

A chief executive officer of a Federal penal or correctional facility may, pursuant to rules prescribed by the Director, order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death, when it is determined that such autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of State and local law protecting religious beliefs with respect to such autopsies shall be observed. Such officer may also order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility, with the written consent of a person authorized to permit such an autopsy or post-mortem operation under the law of the State in which the facility is located.

(Added Pub. L. 99-646, §67(a), Nov. 10, 1986, 100 Stat. 3616.)

#### § 4046. Shock incarceration program

(a) The Bureau of Prisons may place in a shock incarceration program any person who is sentenced to a term of imprisonment of more than 12, but not more than 30, months, if such person consents to that placement.

(b) For such initial portion of the term of imprisonment as the Bureau of Prisons may determine, not to exceed 6 months, an inmate in the shock incarceration program shall be required to—

(1) adhere to a highly regimented schedule that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training; and

(2) participate in appropriate job training and educational programs (including literacy