

(iv) is acting on a request for foreign assistance pursuant to section 3512 of this title; or

(B) a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device;

(3) the term “pen register” means a device or process which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication, but such term does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

(4) the term “trap and trace device” means a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;

(5) the term “attorney for the Government” has the meaning given such term for the purposes of the Federal Rules of Criminal Procedure; and

(6) the term “State” means a State, the District of Columbia, Puerto Rico, and any other possession or territory of the United States.

(Added Pub. L. 99-508, title III, §301(a), Oct. 21, 1986, 100 Stat. 1871, §3126; renumbered §3127, Pub. L. 100-690, title VII, §7092(a)(1), Nov. 18, 1988, 102 Stat. 4410; amended Pub. L. 107-56, title II, §216(c)(1)-(4), Oct. 26, 2001, 115 Stat. 290; Pub. L. 111-79, §2(3), Oct. 19, 2009, 123 Stat. 2087.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in par. (5), are set out in the Appendix to this title.

AMENDMENTS

2009—Par. (2)(A). Pub. L. 111-79 substituted “that—” and cls. (i) to (iv) for “having jurisdiction over the offense being investigated; or”.

2001—Par. (1). Pub. L. 107-56, §216(c)(4), struck out “and” after “‘electronic communication,’” and inserted “, and ‘contents’” after “‘electronic communication service’”.

Par. (2)(A). Pub. L. 107-56, §216(c)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: “a district court of the United States (including a magistrate judge of such a court) or a United States Court of Appeals; or”.

Par. (3). Pub. L. 107-56, §216(c)(2), substituted “dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication” for “‘electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which

such device is attached” and inserted “or process” after “‘device’” wherever appearing.

Par. (4). Pub. L. 107-56, §216(c)(3), inserted “or process” after “‘means a device’” and substituted “or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;” for “‘of an instrument or device from which a wire or electronic communication was transmitted;”.

1988—Pub. L. 100-690 renumbered section 3126 of this title as this section.

CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS

Sec.	
3141.	Release and detention authority generally.
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3156.	Definitions.

AMENDMENTS

1988—Pub. L. 100-690, title VII, §7084(b), Nov. 18, 1988, 102 Stat. 4408, added item 3151.

1984—Pub. L. 98-473, title II, §203(e), Oct. 12, 1984, 98 Stat. 1985, inserted “AND DETENTION PENDING JUDICIAL PROCEEDING” in chapter heading, added new items 3141 to 3150, and struck out former items 3141 to 3151 as follows: item 3141 “Power of courts and magistrates”, item 3142 “Surrender by bail”, item 3143 “Additional bail”, item 3144 “Cases removed from State courts”, item 3145 “Parties and witnesses—Rule”, item 3146 “Release in noncapital cases prior to trial”, item 3147 “Appeal from conditions of release”, item 3148 “Release in capital cases or after conviction”, item 3149 “Release of material witnesses”, item 3150 “Penalties for failure to appear”, item 3150a “Refund of forfeited bail”, item 3151 “Contempt”.

1982—Pub. L. 97-267, §6, Sept. 27, 1982, 96 Stat. 1138, struck out “agencies” after “services” in item 3152, substituted “and administration of pretrial services” for “of pretrial services agencies” in item 3153, “relating to pretrial services” for “of pretrial services agencies” in item 3154, and “Annual reports” for “Report to Congress” in item 3155.

Pub. L. 97-258, §2(d)(3)(A), Sept. 13, 1982, 96 Stat. 1058, added item 3150a.

1975—Pub. L. 93-619, title II, §202, Jan. 3, 1975, 88 Stat. 2089, added items 3153 to 3156, and in item 3152, substituted “Establishment of Pretrial Services Agencies” for “Definitions”.

1966—Pub. L. 89-465, §§3(b), 5(e)(1), June 22, 1966, 80 Stat. 216, 217, substituted “RELEASE” for “BAIL” in chapter heading and “Release in noncapital cases prior to trial” for “Jumping Bail” in item 3146, and added items 3147 to 3152.

1954—Act Aug. 20, 1954, ch. 772, §2, 68 Stat. 748, added item 3146.

§ 3141. Release and detention authority generally

(a) PENDING TRIAL.—A judicial officer authorized to order the arrest of a person under section 3041 of this title before whom an arrested person is brought shall order that such person be released or detained, pending judicial proceedings, under this chapter.

(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained under this chapter.

(Added Pub. L. 98-473, title II, §203(a), Oct. 12, 1984, 98 Stat. 1976; amended Pub. L. 99-646, §55(a), (b), Nov. 10, 1986, 100 Stat. 3607.)

PRIOR PROVISIONS

A prior section 3141, acts June 25, 1948, ch. 645, 62 Stat. 821; June 22, 1966, Pub. L. 89-465, §5(b), 80 Stat. 217, related to powers of courts and magistrates with respect to release on bail or otherwise, prior to repeal in the revision of this chapter by section 203(a) of Pub. L. 98-473.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-646, §55(a), (b), substituted “authorized to order the arrest of a person under section 3041 of this title before whom an arrested person is brought shall order that such person be released” for “who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released” and “under this chapter” for “pursuant to the provisions of this chapter”.

Subsec. (b). Pub. L. 99-646, §55(a), substituted “under this chapter” for “pursuant to the provisions of this chapter”.

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-646, §55(j), Nov. 10, 1986, 100 Stat. 3611, provided that: “The amendments made by this section [amending this section and sections 3142 to 3144, 3146 to 3148, and 3156 of this title] shall take effect 30 days after the date of enactment of this Act [Nov. 10, 1986].”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-458, title VI, §6951, Dec. 17, 2004, 118 Stat. 3775, provided that: “This subtitle [subtitle K (§§6951, 6952) of title VI of Pub. L. 108-458, amending section 3142 of this title] may be cited as the ‘Pretrial Detention of Terrorists Act of 2004.’”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-647, title IX, §901, Nov. 29, 1990, 104 Stat. 4826, provided that: “This title [amending sections 3143 and 3145 of this title] may be cited as the ‘Mandatory Detention for Offenders Convicted of Serious Crimes Act.’”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-473, title II, §202, Oct. 12, 1984, 98 Stat. 1976, provided that: “This chapter [chapter I (§§202-210) of title II of Pub. L. 98-473, enacting sections 3062 and 3141 to 3150 of this title, amending sections 3041, 3042, 3154, 3156, 3731, 3772, and 4282 of this title and section 636 of Title 28, Judiciary and Judicial Procedure, repealing sections 3043 and 3141 to 3151 of this title, and amending rules 5, 15, 40, 46, and 54 of the Federal Rules of Criminal Procedure, set out in the Appendix to this title, and rule 9 of the Federal Rules of Appellate Procedure, set out in the Appendix to Title 28] may be cited as the ‘Bail Reform Act of 1984.’”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-267, §1, Sept. 27, 1982, 96 Stat. 1136, provided: “That this Act [amending sections 3152 to 3155 of

this title and section 604 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under sections 3141 and 3152 of this title] may be cited as the ‘Pretrial Services Act of 1982.’”

SHORT TITLE

Pub. L. 89-465, §1, June 22, 1966, 80 Stat. 214, provided: “That this Act [enacting sections 3146 to 3152 of this title, amending sections 3041, 3141 to 3143, and 3568 of this title, and enacting provisions set out as a note below] may be cited as the ‘Bail Reform Act of 1966.’”

PURPOSE OF BAIL REFORM ACT OF 1966

Pub. L. 89-465, §2, June 22, 1966, 80 Stat. 214, provided that: “The purpose of this Act [enacting sections 3146 to 3152 of this title, amending sections 3041, 3141 to 3143, and 3568 of this title and enacting provisions set out as a note above] is to revise the practices relating to bail to assure that all persons, regardless of their financial status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest.”

§ 3142. Release or detention of a defendant pending trial

(a) IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

(1) released on personal recognizance or upon execution of an unsecured appearance bond, under subsection (b) of this section;

(2) released on a condition or combination of conditions under subsection (c) of this section;

(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion under subsection (d) of this section; or

(4) detained under subsection (e) of this section.

(b) RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—The judicial officer shall order the pretrial release of the person on personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of release and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a), unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

(c) RELEASE ON CONDITIONS.—(1) If the judicial officer determines that the release described in subsection (b) of this section will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, such judicial officer shall order the pretrial release of the person—

(A) subject to the condition that the person not commit a Federal, State, or local crime during the period of release and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Back-