

28, 1973, 87 Stat. 907; Pub. L. 98-473, title II, § 218(a), Oct. 12, 1984, 98 Stat. 2027; Pub. L. 99-646, § 57(a), Nov. 10, 1986, 100 Stat. 3611.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 753f (May 14, 1930, ch. 274, § 7, 46 Stat. 326; June 14, 1941, ch. 204, 55 Stat. 252; Oct. 21, 1941, ch. 453, 55 Stat. 743).

Words "by the juvenile court of the District of Columbia, as well as to those committed by any court of the United States," at end of section were omitted as unnecessary, and word "all" inserted before "persons", without change of meaning.

Provision against penitentiary imprisonment for a term of 1 year or less without consent of defendant was incorporated in section 4083 of this title.

The phrase "if in his judgment it shall be for the well-being of the prisoner or relieve overcrowded or unhealthful conditions in the institution where such person is confined or for other reasons", was omitted as unnecessary.

Changes were made in phraseology.

This section supersedes section 705 of title 18, U.S.C., 1940 ed., providing for execution of sentences in houses of correction or reformation; and section 748 of title 18, U.S.C., 1940 ed., providing for confinement of prisoners in United States Disciplinary Barracks.

AMENDMENTS

1986—Subsecs. (f), (g). Pub. L. 99-646 added subsec. (f) and redesignated former subsec. (f) as (g).

1984—Pub. L. 98-473 struck out subsecs. (a) to (c) and (e) and redesignated subsecs. (d), (f), and (g) as (a), (b), and (c), respectively. Prior to amendment subsecs. (a) to (c) and (e) read as follows:

"(a) A person convicted of an offense against the United States shall be committed, for such term of imprisonment as the court may direct, to the custody of the Attorney General of the United States, who shall designate the place of confinement where the sentence shall be served.

"(b) The Attorney General may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether maintained by the Federal Government or otherwise, and whether within or without the judicial district in which the person was convicted, and may at any time transfer a person from one place of confinement to another.

"(c) The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to—

"(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, the establishment or reestablishment of family and community ties or for any other significant reason consistent with the public interest; or

"(2) work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner of the institution or facility to which he is committed, provided that—

"(i) representatives of local union central bodies or similar labor union organizations are consulted;

"(ii) such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

"(iii) the rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality in which the work is to be performed.

A prisoner authorized to work at paid employment in the community under this subsection may be re-

quired to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(e) The authority conferred upon the Attorney General by this section shall extend to all persons committed to the National Training School for Boys."

1973—Subsec. (c)(1). Pub. L. 93-209 provided for extension of limits to permit establishment or reestablishment of family and community ties and struck out "only" after "may be granted".

1965—Subsec. (a). Pub. L. 89-176 designated as subsec. (a) first unnumbered par. and struck out "or his authorized representative" after "Attorney General of the United States".

Subsec. (b). Pub. L. 89-176 designated as subsec. (b) second and third unnumbered par., inserted "or facility" after "appropriate institution", substituted "may at any time transfer a person from one place of confinement to another" for "may order any inmate transferred from one institution to another", and made minor changes in language.

Subsecs. (c), (d). Pub. L. 89-176 added subsecs. (c) and (d).

Subsec. (e). Pub. L. 89-176 designated as subsec. (e) fourth and last unnumbered par.

Subsec. (f). Pub. L. 89-176 added subsec. (f).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by 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.

§ 4083. Penitentiary imprisonment; consent

Persons convicted of offenses against the United States or by courts-martial punishable by imprisonment for more than one year may be confined in any United States penitentiary.

A sentence for an offense punishable by imprisonment for one year or less shall not be served in a penitentiary without the consent of the defendant.

(June 25, 1948, ch. 645, 62 Stat. 850; Pub. L. 86-256, Sept. 14, 1959, 73 Stat. 518.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 753f, 762 (Mar. 2, 1895, ch. 189, § 1, 28 Stat. 957; June 10, 1896, ch. 400, § 1, 29 Stat. 380; May 14, 1930, ch. 274, § 7, 46 Stat. 326; June 14, 1941, ch. 204, 55 Stat. 252; Oct. 21, 1941, ch. 453, 55 Stat. 743).

Said section 762 was condensed and simplified and extended to all penitentiaries instead of to Leavenworth only, since the section is merely declaratory of existing law. (See section 1 of this title classifying offenses and notes thereunder.)

The second paragraph is derived from said section 753f of title 18, U.S.C., 1940 ed.

Minor changes of phraseology were made.

AMENDMENTS

1959—Pub. L. 86-256 substituted "punishable by imprisonment for" for "and sentenced to terms of imprisonment of" in first sentence.

[§§ 4084, 4085. Repealed. Pub. L. 98-473, title II, § 218(a)(3), Oct. 12, 1984, 98 Stat. 2027]

Section 4084, act June 25, 1948, ch. 645, 62 Stat. 850, related to delivery of prisoner with copy of commitment.

Section 4085, act June 25, 1948, ch. 645, 62 Stat. 850, related to authority, expense, etc., respecting transfer of Federal prisoner for State offense.