

of any State or of the District of Columbia which can and will assume jurisdiction over such juvenile and will take him into custody and deal with him according to the laws of such State or of the District of Columbia, and that it will be to the best interest of the United States and of the juvenile offender, the United States attorney of the district in which such person has been arrested may forego his prosecution and surrender him as herein provided, unless such surrender is precluded under section 5032 of this title.

The United States marshal of such district upon written order of the United States attorney shall convey such person to such State or the District of Columbia, or, if already therein, to any other part thereof and deliver him into the custody of the proper authority thereof.

Before any person is conveyed from one State to another or from or to the District of Columbia under this section, he shall signify his willingness to be so returned, or there shall be presented to the United States attorney a demand from the executive authority of such State or the District of Columbia, to which the prisoner is to be returned, supported by indictment or affidavit as prescribed by section 3182 of this title.

The expense incident to the transportation of any such person, as herein authorized, shall be paid from the appropriation "Salaries, Fees, and Expenses, United States Marshals."

(June 25, 1948, ch. 645, 62 Stat. 857; Pub. L. 100-690, title VI, § 6467(b), Nov. 18, 1988, 102 Stat. 4376.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 662a (June 11, 1932, ch. 243, 47 Stat. 301).

Language preceding "Whenever" was omitted as unnecessary, and "the District of Columbia" was inserted after "State".

Changes were made in phraseology and surplusage eliminated.

AMENDMENTS

1988—Pub. L. 100-690 inserted " , unless such surrender is precluded under section 5032 of this title" before period at end of first par.

[§ 5002. Repealed. Pub. L. 104-134, title I, § 101(a) [title VI, § 614(a)(1)], Apr. 26, 1996, 110 Stat. 1321, 1321-65; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327]

Section, added act Sept. 30, 1950, ch. 1115, § 4, 64 Stat. 1090; amended Oct. 12, 1984, Pub. L. 98-473, title II, § 223(p), 98 Stat. 2030, provided for creation of Advisory Corrections Council.

EFFECTIVE DATE OF REPEAL

Pub. L. 104-134, title I, § 101(a) [title VI, § 614(b)], Apr. 26, 1996, 110 Stat. 1321, 1321-65, provided that: "This section [repealing this section] shall take effect 30 days after the date of the enactment of this Act [Apr. 26, 1996]."

§ 5003. Custody of State offenders

(a)(1) The Director of the Bureau of Prisons when proper and adequate facilities and personnel are available may contract with proper officials of a State or territory, for the custody, care, subsistence, education, treatment, and

training of persons convicted of criminal offenses in the courts of such State or territory.

(2) Any such contract shall provide—

(A) for reimbursing the United States in full for all costs or expenses involved;

(B) for receiving in exchange persons convicted of criminal offenses in the courts of the United States, to serve their sentence in appropriate institutions or facilities of the State or territory by designation as provided in section 4082(b)¹ of this title, this exchange to be made according to formulas or conditions which may be negotiated in the contract; or

(C) for compensating the United States by means of a combination of monetary payment and of receipt of persons convicted of criminal offenses in the courts of the United States, according to formulas or conditions which may be negotiated in the contract.

(3) No such contract shall provide for the receipt of more State or territory prisoners by the United States than are transferred to that State or territory by such contract.

(b) Funds received under such contract may be deposited in the Treasury to the credit of the appropriation or appropriations from which the payments for such service were originally made.

(c) Unless otherwise specifically provided in the contract, a person committed to the Attorney General hereunder shall be subject to all the provisions of law and regulations applicable to persons committed for violations of laws of the United States not inconsistent with the sentence imposed.

(d) The term "State" as used in this section includes any State, territory, or possession of the United States, and the Canal Zone.

(Added May 9, 1952, ch. 253, § 1, 66 Stat. 68; amended Pub. L. 89-267, § 1, Oct. 19, 1965, 79 Stat. 990; Pub. L. 99-646, § 66, Nov. 10, 1986, 100 Stat. 3615.)

REFERENCES IN TEXT

Section 4082(b) of this title, referred to in subsec. (a)(2)(B), was repealed, and section 4082(f) was redesignated section 4082(b), by Pub. L. 98-473, title II, § 218(a), Oct. 12, 1984, 98 Stat. 2027.

For definition of Canal Zone, referred to in subsec. (d), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-646 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Attorney General, when the Director shall certify that proper and adequate treatment facilities and personnel are available, is hereby authorized to contract with the proper officials of a State or Territory for the custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in the courts of such State or Territory: *Provided*, That any such contract shall provide for reimbursing the United States in full for all costs or other expenses involved."

1965—Subsec. (d). Pub. L. 89-267 added subsec. (d).

[CHAPTER 402—REPEALED]

[§§ 5005, 5006. Repealed. Pub. L. 98-473, title II, § 218(a)(8), Oct. 12, 1984, 98 Stat. 2027]

Section 5005, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086; amended Mar. 15, 1976, Pub. L. 94-233, § 3, 90

¹ See References in Text note below.

Stat. 231, related to the making of youth correction decisions by United States Parole Commission.

Section 5006, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086; amended Mar. 15, 1976, Pub. L. 94-233, § 4, 90 Stat. 231, defined terms for the purpose of this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, see section 235(a)(1)(A) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

[[§ 5007 to 5009. Repealed Pub. L. 94-233, § 5, Mar. 15, 1976, 90 Stat. 231]

Section 5007, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086, provided for meetings and duties of members of Youth Correction Division.

Section 5008, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086, provided for appointment of officers and employees by Attorney General.

Section 5009, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086, provided for adoption and promulgation of rules governing procedure by Youth Correction Division.

EFFECTIVE DATE OF REPEAL

Repeal effective on 60th day following Mar. 15, 1976, see section 16(b) of Pub. L. 94-233, set out as an Effective Date note under section 4201 of this title.

[[§ 5010 to 5026. Repealed. Pub. L. 98-473, title II, § 218(a)(8), Oct. 12, 1984, 98 Stat. 2027]

Section 5010, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087; amended Mar. 15, 1976, Pub. L. 94-233, § 9, 90 Stat. 232, provided for imposition of a suspended sentence or sentence to custody of the Attorney General in the case of youth offenders.

Section 5011, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087, provided for treatment of youth offenders.

Section 5012, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087, provided for Director's certification of the availability of proper and adequate treatment facilities for youth offenders.

Section 5013, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087, authorized Director of Bureau of Prisons to contract for maintenance of youth offenders.

Section 5014, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087; amended July 17, 1970, Pub. L. 91-339, § 1, 84 Stat. 437; Mar. 15, 1976, Pub. L. 94-233, § 6, 90 Stat. 231, related to classification studies and reports.

Section 5015, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1088; amended Mar. 15, 1976, Pub. L. 94-233, § 9, 90 Stat. 232, related to powers of Director as to placement of youth offenders.

Section 5016, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1088; amended Mar. 15, 1976, Pub. L. 94-233, § 9, 90 Stat. 232, related to periodic reports which the Director was required to make on all committed youth offenders.

Section 5017, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1088; amended Mar. 15, 1976, Pub. L. 94-233, § 7, 9, 90 Stat. 232, related to release of youth offenders.

Section 5018, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Mar. 15, 1976, Pub. L. 94-233, § 9, 90 Stat. 232, related to revocation of Commission orders.

Section 5019, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Mar. 15, 1976, Pub. L. 94-233, § 9, 90 Stat. 232, related to supervision of released youth offenders.

Section 5020, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended July 17, 1970, Pub. L. 91-339, § 2, 84 Stat. 437; Mar. 15, 1976, Pub. L. 94-233, § 8, 90 Stat. 232, related to apprehension of released youth offenders.

Section 5021, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Oct. 3, 1961, Pub. L. 87-336, 75 Stat. 750; Mar. 15, 1976, Pub. L. 94-233, § 9, 90 Stat. 232, related to issuance of certificates setting aside convictions of youth offenders.

Section 5022, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089, provided that this chapter would not apply

to offenses committed before its enactment (Sept. 30, 1950).

Section 5023, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Apr. 8, 1952, ch. 163, § 1, 66 Stat. 45, related to relationship between this chapter and Probation and Juvenile Delinquency Acts.

Section 5024, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Apr. 8, 1952, ch. 163, § 2, 66 Stat. 45; June 25, 1959, Pub. L. 86-70, § 17(a), 73 Stat. 144; July 12, 1960, Pub. L. 86-624, § 13(b), 74 Stat. 413; Dec. 27, 1967, Pub. L. 90-226, title VIII, § 801(a), 81 Stat. 741, provided that this chapter was applicable to States of the United States and to District of Columbia.

Section 5025, added act Apr. 8, 1952, ch. 163, § 3(a), 66 Stat. 46; amended Dec. 27, 1967, Pub. L. 90-226, title VIII, § 801(b), 81 Stat. 741, related to applicability of this chapter to District of Columbia.

Section 5026, added act Apr. 8, 1952, ch. 163, § 3(a), 66 Stat. 46, provided that this chapter did not affect parole of other offenders.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, with sections 5017 to 5020 to remain in effect for five years as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473, see section 235(a)(1)(A), (b)(1)(E) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

CHAPTER 403—JUVENILE DELINQUENCY

Sec.	
5031.	Definitions.
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5033.	Custody prior to appearance before magistrate judge.
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5042.	Revocation of probation.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3599H, Nov. 29, 1990, 104 Stat. 4932, substituted "probation" for "Probation" in item 5042.

1984—Pub. L. 98-473, title II, § 214(d), Oct. 12, 1984, 98 Stat. 2014, substituted "Repealed" for "Parole" in item 5041, and "Revocation of Probation" for "Revocation of parole or probation" in item 5042.

1974—Pub. L. 93-415, title V, § 513, Sept. 7, 1974, 88 Stat. 1138, substituted "Delinquency proceedings in district courts; transfer for criminal prosecution." for "Proceeding against juvenile delinquent." in item 5032; "Custody prior to appearance before magistrate." for "Jurisdiction; written consent; jury trial precluded." in item 5033; "Duties of magistrate." for "Probation; commitment to custody of Attorney General; support." in item 5034; "Detention prior to disposition." for "Arrest, detention and bail." in item 5035; "Speedy trial." for "Contracts for support; payment." in item 5036; "Dispositional hearing." for "Parole." in item 5037; and added items 5038 to 5042.

CHANGE OF NAME

Words "magistrate judge" substituted for "magistrate" in items 5033 and 5034 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 5031. Definitions

For the purposes of this chapter, a "juvenile" is a person who has not attained his eighteenth